

HOUSE BILL No. 2042

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-9-7-4; IC 3-10; IC 3-11-2; IC 3-13; IC 5-8-1-19; IC 33-2.1; IC 33-4.2; IC 33-5; IC 33-5.1-2; IC 33-8-2-3; IC 33-10.5-4-2; IC 33-11.6-3.

Synopsis: Merit selection of judges. Provides for the merit selection of the judges of superior, probate, county, and small claims courts. Eliminates the age requirement applicable to superior court judges in some counties. Eliminates an experience requirement applicable to superior court judges in Allen County. Makes other changes.

Effective: July 1, 1999.

Fry

January 27, 1999, read first time and referred to Committee on Courts and Criminal Code.

C
o
p
y



First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 2042

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-8-1-17 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 17. A candidate for the office of
3 judge of a superior or probate court must
4 (1) ~~be admitted to the practice of law in Indiana upon filing a~~
5 ~~declaration of candidacy or petition of nomination; or upon the~~
6 ~~filing of a certificate of candidate selection under IC 3-13-1-15 or~~
7 ~~IC 3-13-2-8; and~~
8 (2) ~~comply with any other requirement for that office set forth in~~
9 ~~IC 33-5 or IC 33-8; meet the qualifications set forth in~~
10 **IC 33-4.2-5-3.**
11 SECTION 2. IC 3-8-1-18 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 1999]: Sec. 18. A candidate for the office of
13 judge of a county court must
14 (1) ~~be a United States citizen; and~~
15 (2) ~~be admitted to the practice of law in Indiana upon filing a~~
16 ~~declaration of candidacy or petition of nomination; or upon the~~
17 ~~filing of a certificate of candidate selection under IC 3-13-1-15 or~~



~~IC 3-13-2-8. meet the qualifications set forth in IC 33-4.2-5-3.~~

SECTION 3. IC 3-8-1-30 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 1999]: Sec. 30. A candidate for the office of
judge of a small claims court must

- (1) be a United States citizen upon taking office;
- (2) have resided in the county for at least one (1) year upon taking office;
- (3) be of high moral character and reputation; and
- (4) either:

- (A) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or

- (B) have at least one (1) year of experience as a justice of the peace before January 1, 1976, and have served as a justice of the peace on December 31, 1975. **meet the qualifications set forth in IC 33-4.2-5-3.**

SECTION 4. IC 3-8-1-33 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 1999]: Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

- (1) Governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, and state superintendent of public instruction, in accordance with IC 4-2-6-8.
- (2) Senator and representative in the general assembly, in accordance with IC 2-2.1-3-2.
- (3) Justice of the supreme court, clerk of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, judge of a county court, judge of a probate court, **judge of a small claims court**, and prosecuting attorney, in accordance with IC 33-2.1-8-6 and IC 33-2.1-8-7.

SECTION 5. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 1999]: Sec. 5. A declaration of candidacy for:

- (1) a federal office;
- (2) a state office;
- (3) a legislative office; or



(4) the local office of:

(A) judge of a circuit ~~superior, probate, county, or small claims~~ court; or

(B) prosecuting attorney of a judicial circuit;
shall be filed with the secretary of state.

SECTION 6. IC 3-9-7-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 4. A political party may not directly or indirectly campaign for or against a judge subject to retention or rejection under IC 33-4.2.**

SECTION 7. IC 3-10-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

To vote for a person make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

Vote for one only

Representative in Congress

<input type="checkbox"/> (1) AB	_____
<input type="checkbox"/> (2) CD	_____
<input type="checkbox"/> (3) EF	_____
<input type="checkbox"/> (4) GH	_____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

~~(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.~~

~~(C) Judge of the probate court.~~



- 1 ~~(D)~~ Judge of the county court, with each division separate, as
 2 required by IC 33-10.5-4-2.
 3 ~~(E)~~ (B) Prosecuting attorney.
 4 ~~(F)~~ (C) Clerk of the circuit court.
 5 (4) County offices:
 6 (A) County auditor.
 7 (B) County recorder.
 8 (C) County treasurer.
 9 (D) County sheriff.
 10 (E) County coroner.
 11 (F) County surveyor.
 12 (G) County assessor.
 13 (H) County commissioner.
 14 (I) County council member.
 15 (5) Township offices:
 16 (A) Township assessor.
 17 (B) Township trustee.
 18 (C) Township board member.
 19 ~~(D)~~ Judge of the small claims court.
 20 ~~(E)~~ (D) Constable of the small claims court.
 21 (6) City offices:
 22 (A) Mayor.
 23 (B) Clerk or clerk-treasurer.
 24 (C) Judge of the city court.
 25 (D) City-county council member or common council member.
 26 (7) Town offices:
 27 (A) Clerk-treasurer.
 28 (B) Judge of the town court.
 29 (C) Town council member.
 30 (c) The political party offices with candidates for election shall be
 31 placed on the primary election ballot in the following order after the
 32 offices described in subsection (b):
 33 (1) Precinct committeeman.
 34 (2) State convention delegate.
 35 (d) The following offices and public questions shall be placed on the
 36 primary election ballot in the following order after the offices described
 37 in subsection (c):
 38 (1) School board offices to be elected at the primary election.
 39 (2) Other local offices to be elected at the primary election.
 40 (3) Local public questions.
 41 (e) The offices and public questions described in subsection (d)
 42 shall be placed in a separate column on the ballot if voting is by paper

C
o
p
y

1 ballot, ballot card voting system, or electronic voting system or in a
 2 separate column of ballot labels if voting is by voting machine.

3 (f) A public question shall be placed on the primary election ballot
 4 in the following form:

5 (The explanatory text for the public question,
 6 if required by law.)

7 "Shall (insert public question)?"

8 ☐ YES

9 ☐ NO

10 SECTION 8. IC 3-10-2-11 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) A judge of the
 12 circuit court shall be elected at:

13 (1) the first general election following an appointment by the
 14 governor to fill a vacancy in the office of judge of the circuit
 15 court; or

16 (2) the general election before the term of the judge expires under
 17 Article 7, Section 7 of the Constitution of the State of Indiana;
 18 whichever occurs first, and every six (6) years thereafter.

19 (b) Except as otherwise provided by law, judges of the superior,
 20 probate, and county courts shall be ~~elected at the general election~~
 21 ~~before their terms of office expire and every six (6) years thereafter.~~
 22 **selected under IC 33-4.2.**

23 SECTION 9. IC 3-10-2-13 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The following
 25 public officials shall be elected at the general election before their
 26 terms of office expire and every four (4) years thereafter:

- 27 (1) Clerk of the circuit court.
- 28 (2) County auditor.
- 29 (3) County recorder.
- 30 (4) County treasurer.
- 31 (5) County sheriff.
- 32 (6) County coroner.
- 33 (7) County surveyor.
- 34 (8) County assessor.
- 35 (9) County commissioner.
- 36 (10) County council member.
- 37 (11) Township trustee.
- 38 (12) Township board member.
- 39 (13) Township assessor.
- 40 ~~(14) Judge of a small claims court.~~
- 41 ~~(15)~~ **(14)** Constable of a small claims court.

42 SECTION 10. IC 3-11-2-12 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

(1) Federal and state offices:

- (A) President and Vice President of the United States.
- (B) United States Senator.
- (C) Governor and lieutenant governor.
- (D) Secretary of state.
- (E) Auditor of state.
- (F) Treasurer of state.
- (G) Attorney general.
- (H) Superintendent of public instruction.
- (I) Clerk of the supreme court.
- (J) United States Representative.

(2) Legislative offices:

- (A) State senator.
- (B) State representative.

(3) Circuit offices and county judicial offices:

- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- ~~(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.~~
- ~~(C) Judge of the probate court.~~
- ~~(D) Judge of the county court, with each division separate, as required by IC 33-10.5-4-2.~~
- ~~(E) (B) Prosecuting attorney.~~
- ~~(F) (C) Clerk of the circuit court.~~

(4) County offices:

- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner.
- (I) County council member.

(5) Township offices:

- (A) Township assessor.
- (B) Township trustee.



- 1 (C) Township board member.
 2 ~~(D) Judge of the small claims court.~~
 3 ~~(E) (D)~~ Constable of the small claims court.
 4 (6) City offices:
 5 (A) Mayor.
 6 (B) Clerk or clerk-treasurer.
 7 (C) Judge of the city court.
 8 (D) City-county council member or common council member.
 9 (7) Town offices:
 10 (A) Clerk-treasurer.
 11 (B) Judge of the town court.
 12 (C) Town council member.

13 SECTION 11. IC 3-11-2-14 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) The following
 15 offices and public questions shall be placed on the general election
 16 ballot in the following order after the offices and public questions
 17 described in section 13 of this chapter:

- 18 (1) Retention of a local judge.
 19 ~~(2) Local nonpartisan judicial offices.~~
 20 ~~(3) (2)~~ School board offices to be elected at the general election.
 21 ~~(4) (3)~~ Local public questions.
 22 (b) These offices and public questions shall be placed in a separate
 23 column on the ballot or ballot label if voting is by paper ballot, ballot
 24 card voting system, or electronic voting system or in a separate column
 25 of ballot labels if voting is by voting machine.

26 (c) If the ballot contains a candidate for a ~~local nonpartisan judicial~~
 27 ~~office or for a school board office~~, the ballot must also contain a
 28 statement that reads substantially as follows: "To vote for a candidate
 29 for this office, make a voting mark on or in the square to the left of the
 30 candidate's name."

- 31 (d) If more than one (1) local public question concerning the
 32 retention of a local judge is to be placed on a ballot, the public
 33 questions shall be placed on the ballot:
 34 (1) in alphabetical order according to the surname of the local
 35 judge; and
 36 (2) identifying the court (including division or room) in which the
 37 judge serves.

38 SECTION 12. IC 3-13-1-15 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) A county
 40 chairman filling a candidate vacancy under section 6(a)(2) of this
 41 chapter or the chairman of a meeting filling a candidate vacancy under
 42 this chapter shall file a written certificate of candidate selection on a

C
o
p
y



form prescribed by the commission stating the name and address of each candidate selected to:

(1) the election division for:

(A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit ~~superior, probate, county, or small claims~~ court or prosecuting attorney; or

(2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(b) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon, August 4, before election day.

(c) This subsection applies to all candidate vacancies not described by subsection (b). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 13. IC 3-13-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The chairman or chairmen filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the commission stating the name and address of each candidate selected to:

(1) the election division for:

(A) one (1) or more chairmen acting under section 2, 3, 4, or 5(b) of this chapter; or

(B) a committee acting under section 5(a) of this chapter to fill a candidate vacancy for the office of judge of a circuit ~~superior, probate, county, or small claims~~ court or prosecuting attorney; or

(2) the circuit court clerk of the county in which the greatest percentage of the population of the election district is located, for a chairman acting under section 5(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(b) The certificate required by section (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidate.

SECTION 14. IC 3-13-6-1 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A vacancy that occurs, other than by resignation, in the office of judge of a circuit, ~~superior, probate, or county~~ court shall be certified to the governor by the circuit court clerk of the county in which the judge resided.

(b) A vacancy in the office of judge of a circuit court shall be filled by the governor as provided by Article 5, Section 18 of the Constitution of the State of Indiana. The person who is appointed holds the office until:

- (1) the end of the unexpired term; or
- (2) a successor is elected at the next general election and qualified;

whichever occurs first. The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.

(c) A vacancy in the office of judge of a superior, probate, or county court shall be filled ~~by the governor subject to the following:~~

- ~~(1) IC 33-5-5.1-37.1.~~
- ~~(2) IC 33-5-5.1-41.1.~~
- ~~(3) IC 33-5-29.5-39.~~
- ~~(4) IC 33-5-40-44.~~

under IC 33-4.2. The person who is appointed holds office for the remainder of the unexpired term.

SECTION 15. IC 3-13-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A vacancy in the office of judge of a small claims court ~~or shall be filled under IC 33-4.2.~~

(b) **A vacancy in the office of** small claims court constable not covered by section 1 of this chapter shall be filled by the township board at a regular or special meeting. The chairman of the township board shall give notice of the meeting, which shall be held within thirty (30) days after the vacancy occurs. The notice must:

- (1) be in writing;
- (2) state the purpose of the meeting;
- (3) state the date, time, and place of the meeting; and
- (4) be sent by first class mail to each board member at least ten (10) days before the meeting.

SECTION 16. IC 5-8-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) Under Article 7, Section 13 of the Constitution of the State of Indiana, whenever a circuit, superior, probate, **small claims**, or county court judge or



1 prosecuting attorney has been convicted of corruption or any other high
 2 crime, the attorney general shall bring proceedings in the supreme
 3 court, on information, in the name of the state, for the removal from
 4 office of the judge or prosecuting attorney.

5 (b) If the judgment is against the defendant, the defendant is
 6 removed from office.

7 (c) **If the judgment is against a judge of the circuit court or a**
 8 **prosecuting attorney**, the governor, the officer, or the entity required
 9 to fill a vacancy under IC 3-13-6-2 shall ~~subject to:~~

10 ~~(1) IC 33-5-5.1-37.1;~~

11 ~~(2) IC 33-5-5.1-41.1;~~

12 ~~(3) IC 33-5-29.5-39; and~~

13 ~~(4) IC 33-5-40-44;~~

14 appoint or select a successor to fill the vacancy in office.

15 (d) **If the judgment is against a judge of a superior, probate,**
 16 **county, or small claims court, the vacancy shall be filled under**
 17 **IC 33-4.2.**

18 SECTION 17. IC 33-2.1-6-1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. ~~Purpose:~~ It is the
 20 purpose of this chapter to provide that judges of superior, probate,
 21 ~~juvenile, county, or criminal~~ **small claims** courts in certain counties as
 22 set forth in section 3 of this chapter shall be subject to disciplinary
 23 action for the grounds and in the manner set forth in this chapter. It is
 24 the further purpose of this chapter to provide that the commission on
 25 judicial qualifications for the supreme court and court of appeals, and
 26 the members thereof, shall constitute the commission on judicial
 27 qualifications for judges of superior, probate, ~~juvenile county,~~
 28 ~~criminal~~ **small claims** courts in certain counties as set forth in ~~section~~
 29 ~~three~~ **section 3** of this chapter.

30 SECTION 18. IC 33-2.1-6-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The commission on
 32 judicial qualifications created by Article 7, Section 9 of the
 33 Constitution of Indiana shall be the commission on judicial
 34 qualifications for judges of superior, **county, small claims,** and probate
 35 courts in certain counties as set forth in section 3 of this chapter, and
 36 the members of the commission on judicial qualifications for the court
 37 of appeals and supreme court shall serve as the members of the
 38 commission on judicial qualifications for judges of superior, **county,**
 39 **small claims,** and probate courts. The definitions to be used in the
 40 operation of the commission on judicial qualifications shall be the same
 41 as those definitions used for the commission on judicial qualifications
 42 for the supreme court and court of appeals. ~~Provided That,~~ The term

C
o
p
y



1 "judge" ~~shall mean means~~ a judge of a superior, **county, small claims,**
 2 or probate court.

3 SECTION 19. IC 33-2.1-6-3 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. **(a) Except as**
 5 **provided in subsection (b),** the commission on judicial qualifications
 6 created pursuant to section 2 of this chapter shall exercise disciplinary
 7 jurisdiction over judges of superior, ~~and~~ probate, **county, and small**
 8 **claims** courts. ~~Provided That, in any county of this state where a~~
 9 ~~commission on judicial qualifications was in operation by virtue of law~~
 10 ~~before July 26, 1973;~~

11 **(b)** The commission on judicial qualifications ~~shall cease to exercise~~
 12 **does not have** disciplinary jurisdiction concerning **judges in the**
 13 **superior** courts of ~~any such St. Joseph County. and such jurisdiction~~
 14 ~~shall be exercised by the Commission on Judicial Qualifications~~
 15 ~~created pursuant to section 2 of this chapter; Provided However That;~~
 16 ~~wherever the law creating a commission on judicial qualifications in~~
 17 ~~any county of this state before July 26, 1973; precluded judges subject~~
 18 ~~to its disciplinary jurisdiction from participating in political activities~~
 19 ~~due to the fact that said judges are selected by a merit selection system~~
 20 ~~said judges shall continue to be precluded from such participation as~~
 21 ~~if such activity were grounds for removal pursuant to this chapter; and~~
 22 ~~Provided Further That; the judicial nominating commissions in~~
 23 ~~operation in any county of this state by virtue of law before July 26,~~
 24 ~~1973; shall not be in any way affected in their operation or function.~~

25 SECTION 20. IC 33-2.1-6-8 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. ~~Commission;~~
 27 ~~Complaint.~~ Any citizen of the State of Indiana may file with the
 28 commission on judicial qualifications a complaint on the judicial
 29 fitness of a judge of a superior, ~~criminal; juvenile county, small~~
 30 **claims,** or probate court of this state. Complaints directed to the
 31 commission or to any member of the commission concerning a judge
 32 subject to the disciplinary jurisdiction of the commission on judicial
 33 qualifications created pursuant to this chapter shall be in writing and
 34 verified. No specified form of complaint shall be required.

35 SECTION 21. IC 33-2.1-8-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) As used in this
 37 chapter, "cause" means a trial, hearing, arraignment, controversy,
 38 appeal, case, or any business performed within the official duty of a
 39 justice, judge, or prosecuting attorney.

40 (b) As used in this chapter, "compensation" means any money, thing
 41 of value, or economic benefit conferred on, or received by, any person
 42 in return for services rendered, or for services to be rendered, whether



by that person or another.

(c) As used in this chapter, "economic interest" means substantial financial interest in investments, employment, awarding of contracts, purchases, leases, sales, or similar matters.

(d) As used in this chapter, "employer" means any person from whom the judge, justice, or prosecuting attorney or that person's spouse receives any nonstate income.

(e) As used in this chapter, "information of a confidential nature" means information obtained by reason of the position or office held and which information has not been, or will not be, communicated to the general public.

(f) As used in this chapter, "person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

(g) As used in this chapter, "judge" means a judge of the court of appeals or the tax court, or of a circuit, superior, ~~municipal~~, county, **small claims**, or probate court. A judge pro tempore, commissioner, or hearing officer shall be considered a judge if that person shall sit more than twenty (20) days other than Saturdays, Sundays, or holidays in one (1) calendar year as judge, commissioner, or hearing officer in any court.

SECTION 22. IC 33-2.1-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The statement of economic interests must be filed with the commission:

(1) no later than February 1; and

(2) **in the year a retention vote is scheduled for the candidate under IC 33-4.2** or before filing:

(A) a declaration of candidacy, if required under IC 3-8-2 or IC 3-8-4-11;

(B) a petition of nomination under IC 3-8-6;

(C) a certificate of candidate selection under IC 3-13-1 or IC 3-13-2; or

(D) a declaration of intent to be a write-in candidate, if required under IC 3-8-2.

(b) ~~In a county where judges are selected by a county commission on judicial qualifications~~ A candidate **for the office of judge of a superior court, probate court, county court, or small claims court** must file a statement with the county **judicial nominating** commission and also with the commission on judicial qualifications.

SECTION 23. IC 33-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW ARTICLE** TO READ AS FOLLOWS [EFFECTIVE JULY 1,



1999]:

ARTICLE 4.2. MERIT SELECTION OF JUDGES

Chapter 1. General Provisions

Sec. 1. This article applies to the selection of the following:

- (1) Judge of a superior court.**
- (2) Judge of a probate court.**
- (3) Judge of a county court.**
- (4) Judge of a small claims court.**

Sec. 2. The definitions in this chapter apply throughout this article.

Sec. 3. "Attorney member" refers to a member of a commission who is elected to the commission in the capacity of an attorney under IC 33-4.2-3.

Sec. 4. "Clerk" refers to the clerk of the circuit court in a county.

Sec. 5. "Commission" refers to the county judicial nominating commission established for a county under IC 33-4.2-2-1.

Sec. 6. "Court" refers to a court described in section 1 of this chapter.

Sec. 7. "Nonattorney member" refers to a member of a commission who is appointed to the commission in the capacity of a nonattorney member under IC 33-4.2-4.

Sec. 8. "Qualified attorney elector" refers to a person who is qualified to vote in an election under IC 33-4.2-3.

Sec. 9. "Qualified attorney nominee" refers to a person who is qualified to be a candidate for the office of an attorney member.

Chapter 2. County Judicial Nominating Commission

Sec. 1. A judicial nominating commission is established in each county.

Sec. 2. The county executive shall provide the facilities, equipment, supplies, and services necessary for the administration of the duties imposed on the commission.

Sec. 3. The members of the commission shall serve without compensation. However, the county executive shall reimburse members of the commission for their actual expenses incurred in performing their duties.

Sec. 4. The commission consists of the following seven (7) members:

- (1) Three (3) attorney members to be elected by a majority of the attorneys voting in an election conducted under IC 33-4.2-3.**
- (2) Three (3) nonattorney members appointed under**



1 **IC 33-4.2-4.**

2 **(3) A justice of the supreme court or a judge of the court of**
 3 **appeals appointed by the chief justice of the supreme court.**

4 **Sec. 5. The term of a member of the commission is four (4) years**
 5 **or until the member's successor is elected or appointed and**
 6 **qualified. The term of a member begins October 1, 1999, and every**
 7 **four (4) years thereafter. However, a judge or justice appointed**
 8 **under section 4(3) of this chapter serves at the pleasure of the chief**
 9 **justice of the supreme court.**

10 **Sec. 6. A majority of the number of members specified in section**
 11 **4 of this chapter constitutes a quorum.**

12 **Sec. 7. Meetings of the commission shall be called by its**
 13 **chairperson, or if the chairperson fails to call a necessary meeting,**
 14 **upon the call of any four (4) members of the commission. When a**
 15 **meeting is called under this section, the commission shall give each**
 16 **member of the commission at least five (5) days written notice by**
 17 **mail of the time and place of the meeting unless the commission at**
 18 **its previous meeting designated the time and place of its next**
 19 **meeting.**

20 **Sec. 8. Meetings of the commission are to be held at the county**
 21 **courthouse or another place arranged by the clerk.**

22 **Sec. 9. The commission shall act only at a meeting and may act**
 23 **only by the concurrence of a majority of its members attending a**
 24 **meeting.**

25 **Sec. 10. The commission may adopt reasonable and proper rules**
 26 **for the conduct of its proceedings and the discharge of its duties.**

27 **Chapter 3. Election of Attorney Members**

28 **Sec. 1. The clerk shall conduct an election under this chapter in**
 29 **1999 and every four (4) years thereafter.**

30 **Sec. 2. IC 3 does not apply to an election under this chapter.**

31 **Sec. 3. To be a qualified attorney elector eligible to vote in an**
 32 **election under this chapter, a person must:**

- 33 **(1) be admitted to practice law in Indiana; and**
 34 **(2) reside in the county where an election is being conducted**
 35 **under this chapter.**

36 **Sec. 4. (a) To be a qualified attorney nominee eligible to be a**
 37 **candidate for office as an attorney member of the commission, a**
 38 **person must:**

- 39 **(1) be admitted to practice law in Indiana;**
 40 **(2) reside in the county where an election is being conducted**
 41 **under this chapter;**
 42 **(3) not have served as a member of the commission in the**

C
O
P
Y



1 immediately preceding three (3) years;

2 (4) not hold an office in a political party or organization; and

3 (5) not hold any other elected public office.

4 (b) If an attorney member of the commission terminates the
5 attorney's residence in the county, the attorney shall be considered
6 to have resigned from the commission.

7 Sec. 5. The clerk shall secure a list of all attorneys residing in
8 the county and their correct addresses from the clerk of the
9 supreme court.

10 Sec. 6. Not later than the last regular business day before June
11 1 of an election year under this chapter, the clerk shall send a
12 notice by mail to all attorneys residing in the county that:

13 (1) notifies them of the upcoming election;

14 (2) informs them when nominations must be made to the
15 clerk; and

16 (3) describes the procedure for nominating a person for the
17 position of attorney member of the commission.

18 Sec. 7. A nomination in writing accompanied by:

19 (1) a signed petition of ten (10) qualified attorney electors;
20 and

21 (2) the written consent of the qualified attorney nominee;
22 must be filed by a qualified attorney elector or a group of qualified
23 attorney electors, by mail or otherwise, in the office of the clerk not
24 earlier than the date that the notice is sent under section 6 of this
25 chapter and not later than July 1 of an election year under this
26 chapter or the next regular business day after July 1, if July 1 is a
27 Saturday, Sunday, or legal holiday.

28 Sec. 8. The clerk shall prepare and print ballots containing the
29 names and residence addresses of all qualified attorney nominees
30 whose written nominations, petitions, and written statements of
31 consent have been received in conformity with section 7 of this
32 chapter.

33 Sec. 9. A ballot prepared under section 8 of this chapter must
34 read substantially as follows:

35 (Insert County Name) COUNTY

36 JUDICIAL NOMINATING COMMISSION BALLOT

37 To be cast by individuals residing in (insert county name)
38 County and admitted to the practice of law in Indiana. Vote for one
39 (1) of the following candidates for the term commencing:

40 (Insert Date).

41 () (Name) (Address)

42 () (Name) (Address)



() (etc.) (etc.)

To be counted, this ballot must be completed, the accompanying certificate completed and signed, and both together mailed or delivered to the clerk of (insert county name) circuit court not later than (insert date).

DESTROY BALLOT IF NOT USED

Sec. 10. The clerk shall mail the following to all qualified attorney electors in the county not later than the last regular business day before August 18 of an election year under this chapter:

- (1) A ballot.
- (2) The certificate required under section 11 of this chapter.
- (3) A separate envelope in which the voted ballot is to be placed.

Sec. 11. (a) The clerk shall supply with each ballot a certificate to be used to comply with this section.

(b) Each person voting a ballot in an election under this chapter must certify that the person:

- (1) meets the qualifications to be a qualified attorney elector; and
- (2) personally voted the ballot being returned to the clerk.

(c) The certification must be:

- (1) on the form provided by the clerk under subsection (a);
- (2) signed by the person voting the ballot; and
- (3) returned with the ballot to the clerk.

(d) A ballot not accompanied by the signed certificate of the voter shall not be counted.

Sec. 12. Upon receiving the completed ballots and the accompanying certificates, the clerk shall insure that the certificates have been completed in compliance with section 11 of this chapter. All ballots that are accompanied by a valid certificate shall be placed in a package designated to contain ballots. All accompanying certificates shall be placed in a separate package.

Sec. 13. To maintain the secrecy of each vote, the envelope in which a ballot is returned shall not be opened until the counting of the ballots.

Sec. 14. After 4 p.m. on:

- (1) September 1 of an election year under this chapter; or
- (2) the next regular business day after September 1, if September 1 is a Saturday, Sunday, or legal holiday;

the clerk, with the assistance of the county election board, shall open and canvass all ballots received in the office of the clerk.



1 Ballots received after 4 p.m. may not be counted. Upon canvassing
 2 the ballots, the clerk shall place all ballots back in their package.
 3 These, along with the certificates, shall be retained in the clerk's
 4 office for six (6) months. The clerk shall permit no one to inspect
 5 them except upon an order of the Indiana court of appeals.

6 Sec. 15. The three (3) qualified attorney nominees receiving the
 7 most votes shall be elected.

8 Sec. 16. In any election held under this chapter in which at least
 9 two (2) qualified attorney nominees are tied so that one (1)
 10 additional vote cast for one (1) of them would give the candidate a
 11 plurality, the canvassers shall resolve the tie by lot and the winner
 12 of the lot is considered to have been elected.

13 Sec. 17. The clerk shall certify the names of the elected attorney
 14 members to the:

- 15 (1) secretary of state; and
- 16 (2) clerk of the supreme court.

17 Sec. 18. After the elected attorney members have been certified
 18 under section 17 of this chapter, the clerk shall notify each of the
 19 members of the commission of the results of the election.

20 Sec. 19. Except when the term of office of a vacating member
 21 has less than ninety (90) days remaining, vacancies in the office of
 22 an attorney member shall be filled for the unexpired term of the
 23 member creating the vacancy by a special election.

24 Chapter 4. Appointment of Nonattorney Members

25 Sec. 1. (a) This section applies in a county in which the county
 26 executive has only three (3) members who are each elected from a
 27 different district in the county.

28 (b) Each of the three (3) members of the county executive shall
 29 appoint one (1) nonattorney member.

30 Sec. 2. (a) This section applies in a county to which section 1 of
 31 this chapter does not apply.

32 (b) The county executive shall appoint three (3) nonattorney
 33 members to the commission by majority vote.

34 Sec. 3. To qualify to hold office as a nonattorney member
 35 appointed under section 1 or 2 of this chapter, a person must:

- 36 (1) reside in the:
 - 37 (A) district represented by the member of the county
 - 38 executive appointing the member, if the member is
 - 39 appointed under section 1 of this chapter; or
 - 40 (B) county, if the member is appointed under section 2 of
 - 41 this chapter;
- 42 (2) not be an elected official or salaried employee of the state



or a political subdivision;

(3) not be admitted to practice law in Indiana or another state;

(4) not hold an office in a political party or organization; and

(5) not have served as a member of the commission in the immediately preceding three (3) years.

Sec. 4. Not more than two (2) of the nonattorney members may be members of the same political party.

Sec. 5. An appointment under section 1 or 2 of this chapter must be made not later than September 1 in the year that the term of the member's predecessor expires. If the appointing authority fails to make an appointment as required under section 1 or 2 of this chapter, the chief justice of the supreme court shall make the appointment before October 1 in the year that the member's term expires.

Sec. 6. Within ten (10) days of the appointment, the appointing authority shall certify an appointment under this chapter to the following:

(1) The secretary of state.

(2) The chief justice of the supreme court.

(3) The clerk in the county.

Sec. 7. Upon receipt of a certification under this chapter, the clerk shall notify the other members of the commission of the appointment.

Sec. 8. A vacancy on the commission involving a nonattorney member shall be filled for the balance of the vacating member's term in the manner prescribed for the appointment of the vacating member. The clerk shall inform the appointing authority and the chief justice of the supreme court of the existence of a vacancy on the commission. If the appointing authority under section 1 or 2 of this chapter fails to make an appointment under this section within thirty (30) days after the vacancy occurs, the chief justice of the supreme court shall make the appointment not later than sixty (60) days after the vacancy occurs.

Chapter 5. Nomination of Judicial Candidates; Qualifications of Candidates

Sec. 1. When a vacancy occurs in a court, the clerk shall promptly notify the chairperson of the commission of the vacancy. The chairperson shall call a meeting of the commission within ten (10) days following this notice.

Sec. 2. (a) The commission shall nominate the five (5) most highly qualified candidates for each vacancy from among all those



1 eligible individuals considered.

2 (b) Whenever there are at the same time two (2) or more
3 vacancies for a court in a judicial circuit, the commission shall
4 nominate a list of five (5) different persons for each of the
5 vacancies.

6 (c) If the commission determines, by the affirmative vote of at
7 least five (5) members, that there are less than five (5) persons
8 qualified to fill a vacancy, the commission may nominate a lesser
9 number.

10 Sec. 3. To be eligible for nomination as a judge of a court, a
11 person must:

- 12 (1) be a resident of the judicial circuit;
- 13 (2) be a citizen of the United States;
- 14 (3) be admitted to the practice of law in Indiana;
- 15 (4) not have been rejected as judge for the court in an election
- 16 under IC 33-4.2-9 that created the vacancy; and
- 17 (5) not be disqualified under IC 3-8-1-5.

18 However, the judge's rejection does not disqualify a rejected judge
19 from being considered for another judicial office then vacant or
20 thereafter becoming vacant.

21 Sec. 4. The commission shall evaluate in writing each eligible
22 individual on the following factors:

- 23 (1) Law school record, including any academic honors and
- 24 achievements.
- 25 (2) Contribution to scholarly journals and publications,
- 26 legislative draftings, and legal briefs.
- 27 (3) Activities in public service, including:
- 28 (A) writings and speeches concerning public or civic affairs
- 29 that are on public record, including campaign speeches or
- 30 writing, letters to newspapers, and testimony before public
- 31 agencies;
- 32 (B) efforts and achievements in improving the
- 33 administration of justice; and
- 34 (C) other conduct relating to the profession of the
- 35 candidate.
- 36 (4) Legal experience, including the number of years practicing
- 37 law, kind of practice involved, and reputation as a trial lawyer
- 38 or judge.
- 39 (5) Probable judicial temperament.
- 40 (6) Physical condition, including age, stamina, and possible
- 41 habitual intemperance.
- 42 (7) Personality traits, including the exercise of sound



1 judgment, the ability to compromise and conciliate, patience,
2 decisiveness, and dedication.

3 (8) Membership on boards of directors, financial interests,
4 and any other considerations that might create conflict of
5 interest with a judicial office.

6 (9) Any other information that the commission feels is
7 important in selecting the best qualified individuals for
8 judicial office.

9 Sec. 5. The political affiliations of a candidate may not be
10 considered by the commission in evaluating and determining which
11 eligible candidates to nominate for a court vacancy.

12 Sec. 6. Written evaluations shall not be made on an individual
13 until the individual states in writing that the individual desires to
14 hold a judicial office that is or will be created by vacancy.

15 Sec. 7. If a vacancy occurs in a judicial circuit that encompasses
16 more than one (1) county, an act required under this chapter or
17 IC 33-4.2-6 shall be taken jointly by each commission in the
18 judicial circuit. The clerk of the county that has the largest
19 population in the judicial circuit shall notify each commission of
20 the existence of a vacancy.

21 Chapter 6. Submission of Names to the Governor; Public Access

22 Sec. 1. The commission shall certify the names of the candidates
23 nominated to fill a vacancy to the governor as promptly as possible
24 after the commission begins its deliberations. The nominations
25 must be certified not later than sixty (60) days from the time the
26 vacancy occurs. When it is known that a vacancy will occur at a
27 definite future date within the term of the governor then serving,
28 but the vacancy has not yet occurred, the clerk shall notify the
29 commission immediately, and the commission may, within fifty (50)
30 days of the notice of vacancy, make and submit its nominations for
31 the forthcoming vacancy.

32 Sec. 2. The commission shall submit with the list of nominees to
33 the governor its written evaluation of the qualifications of each
34 candidate. These names and written evaluations shall be publicly
35 disclosed.

36 Sec. 3. Every eligible candidate whose name was not submitted
37 to the governor is entitled to access to any evaluation on the
38 candidate by the commission and the right to make the evaluation
39 public. Otherwise, the evaluation shall remain confidential.

40 Sec. 4. After the commission has nominated and submitted to
41 the governor the names of the nominees for appointment to fill a
42 vacancy of a court, any name or names may be withdrawn for a



C
O
P
Y

1 cause considered by the commission to be of a substantial nature
 2 affecting the nominee's qualifications to hold office. Another name
 3 or names may be substituted at any time before the appointment
 4 is made to fill the vacancy.

5 **Sec. 5.** If a nominee dies or requests in writing that the
 6 nominee's name be withdrawn, the commission shall nominate
 7 another person to replace the withdrawing nominee. Whenever
 8 there are existing at the same time two (2) or more vacancies for a
 9 court in a judicial circuit, the commission may, before an
 10 appointment is made:

- 11 (1) withdraw the lists of nominations;
- 12 (2) change the names of any persons nominated from one (1)
 13 list to another and resubmit them as so changed; or
- 14 (3) substitute a new name for any of those previously
 15 nominated.

16 **Sec. 6.** If a commission determines that, of the persons
 17 considered for any existing or expected vacancy in the court, less
 18 than five (5) are qualified for judicial office, it shall certify that
 19 determination to the governor with the names of the nominees for
 20 the vacancy.

21 **Chapter 7. Judicial Appointments**

22 **Sec. 1.** A vacancy occurring in a court shall be filled by
 23 appointment of the governor from a list of nominees presented to
 24 the governor by the commission for the judicial circuit where the
 25 vacancy occurred.

26 **Sec. 2.** If the governor fails to make an appointment from the
 27 list within sixty (60) days from the day it is presented to the
 28 governor, the appointment shall be made by the chief justice or the
 29 acting chief justice of the supreme court from the same list
 30 presented to the governor.

31 **Sec. 3.** The governor shall make all appointments to a court
 32 without regard to the political affiliation of any of the nominees
 33 submitted to the governor. The governor shall consider only those
 34 qualifications of the nominees included in IC 33-4.2-5-4.

35 **Sec. 4.** An appointment under this chapter takes effect
 36 immediately if a vacancy exists at the date of the appointment. The
 37 appointment takes effect on the date the vacancy is created if no
 38 vacancy exists at the date of the appointment.

39 **Chapter 8. Term of Office; Limitation on Practice**

40 **Sec. 1.** Each judge appointed under IC 33-4.2-7 shall serve an
 41 initial term, which commences on the effective date of the judge's
 42 appointment and continues through the last day of December in the



C
O
P
Y

year of the general election that follows the expiration of two (2) years from the effective date of the appointment.

Sec. 2. Except as provided in section 1 of this chapter, the term of a judicial office is six (6) years. A term of office commences on January 1 following the expiration of the preceding term. A judge serves until the judge's successor is selected and qualified.

Sec. 3. During a judge's term of office, the judge may not:

- (1) engage in the practice of law;
- (2) run for an elective office other than a judicial office;
- (3) directly or indirectly make any contributions to, or hold any office in, a political party or organization; or
- (4) take part in any political campaign except the judge's campaign for judicial office.

Sec. 4. A judge's campaign participation shall be absolutely devoid of partisan association and shall be limited to activities designed to acquaint the electorate with the judge's judicial record.

Sec. 5. Failure to comply with section 3 or 4 of this chapter is sufficient cause for the commission on judicial qualifications with jurisdiction over the judge to recommend to the supreme court of Indiana that the judge be censured or removed from office.

Chapter 9. Retention Vote

Sec. 1. The question of the retention in office or rejection of each judge of a court shall be submitted to the electorate of the judicial circuit at the general election immediately preceding the expiration of the term of that judge.

Sec. 2. If a judge does not desire to serve a further term, the judge shall notify in writing the clerk at least sixty (60) days before the general election immediately preceding expiration of the judge's term. In this case the question of the judge's retention in office or rejection shall not be submitted to the electorate and the office shall be vacant at the expiration of the term.

Sec. 3. The county election board for each county in the judicial circuit shall submit the question of the retention in office of any judge to the electorate of the county. The submission of this question shall be subject to the provisions of IC 3 that are not inconsistent with this chapter.

Sec. 4. At the general election the question of the retention in office of a judge shall be submitted to the electorate of the county in the form prescribed by IC 3-11-2. It must state:

"Shall Judge (insert name) of the (Name of Court) be retained in office for an additional term?".

Sec. 5. If a majority of the ballots cast by the electors voting on



any such question is "No", the judge whose name appeared on the question shall be rejected. The office of the rejected judge is vacant on January 1 following the rejection.

SECTION 24. IC 33-5-4.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one (1) judge, who shall be elected at the general election every six (6) years in Adams County. His term begins January 1 following his election and ends December 31 following the election of his successor:

(b) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Adams County;

(2) be under seventy (70) years of age at the time he takes office; and

(3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

SECTION 25. IC 33-5-4.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the Adams circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if he was an elected a judge of the court.

(b) The judge of the superior court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if the judge of the superior court was an elected a judge of the circuit court.

SECTION 26. IC 33-5-5.1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 29. (a) The Allen County superior court consists of nine (9) judges **selected under IC 33-42.2.** Two (2) judges serve in the family relations division, three (3) judges serve in the criminal division, and four (4) judges serve in the civil division. Each ~~newly elected or appointed new~~ judge assumes the division assignment of the judge whom the judge replaces.

(b) If, at any time, in the opinion of a majority of the judges, there is an undue disparity in the number of cases in any division, the chief judge may assign specific cases normally assigned to that division to a judge in another division as a majority of the judges direct.

(c) ~~During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election,~~ any person desiring to become a candidate for one (1) of the Allen superior court judgeships must file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2 that:

(1) is signed by the candidate; and

(2) designates the division and the name of the incumbent judge of the judgeship that the candidate seeks:

(d) A petition without the designation required under subsection (c)



shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2).

SECTION 27. IC 33-5-5.1-29.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 29.5. (a) As used in this section:

- (1) "contribution" has the meaning given in IC 3-5-2-15;
- (2) "political action committee" has the meaning given in IC 3-5-2-37; and
- (3) "regular party committee" has the meaning given in IC 3-5-2-42.

(b) No judge or candidate for judge of the Allen superior court may

- (1) accept a contribution from any political party, political action committee, or regular party committee; or
- (2) accept more than a total of ten thousand dollars (\$10,000) in contributions from all sources to pay expenses connected with his the judge's candidacy.

SECTION 28. IC 33-5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is hereby created a superior court in and for the county of Bartholomew, Indiana, which shall consist of one (1) judge, who shall hold office for six (6) years, beginning on the first day of January after election and ending December 31 following the election of the judge's successor. Every six (6) years, the voters of Bartholomew County shall elect at the general election a judge for the superior court: **be selected under IC 33-4.2.**

(b) An additional court of record is established to be known as the Bartholomew superior court No. 2. The Bartholomew superior court No. 2 has one (1) judge, who shall be elected at the general election every six (6) years in Bartholomew County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(c) To be eligible to hold office as judge of the court, a person must:

- (1) be a resident of Bartholomew County;
- (2) be under seventy (70) years of age at the time of taking office; and
- (3) be admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 29. IC 33-5-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The judge of the Bartholomew circuit court may, with the consent of the judge of a superior court, sit as a judge of the superior court in any matter as if the judge of the circuit or other superior court was ~~an elected~~ a judge of the superior court. The judge of a superior court may, with the consent of



the judge of the circuit or other superior court, sit as a judge of the circuit or other superior court in any matter as if the judge of the superior court was ~~an elected~~ a judge of the circuit or other superior court.

SECTION 30. IC 33-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is established a superior court No. 1 in the county of Boone, Indiana, which shall consist of one (1) judge, who shall ~~hold his office for a term of six (6) years; beginning on the first day of January after his election; and until his successor is elected and qualified. Every six (6) years, the voters of Boone County shall elect at the general election a judge for the superior court.~~ **be selected under IC 33-4.2.**

(b) An additional court is established to be known as the Boone superior court No. 2. The Boone superior court No. 2 has one (1) judge, who is elected at the general election every six (6) years in Boone County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(c) To be eligible to hold office as a judge of a Boone superior court, a person must be:

- (1) a resident of Boone County;
- (2) under seventy (70) years of age at the time of taking office;
- and
- (3) admitted to the practice of law in Indiana. **shall be selected under IC 33-4.2.**

SECTION 31. IC 33-5-9-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. The judge of the Boone circuit court may, with the consent of the judge of a superior court, sit as a judge of the superior court in any matter as if the judge of the circuit court was ~~an elected~~ a judge of the superior court. The judge of a superior court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if the judge of the superior court was ~~an elected~~ a judge of the circuit court.

SECTION 32. IC 33-5-9.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Carroll County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must:

- (1) be a resident of Carroll County;
- (2) be less than seventy (70) years of age at the time of taking office; and



(3) be admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 33. IC 33-5-9.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Carroll circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 34. IC 33-5-9.7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The court has one (1) judge, who shall be ~~elected at the general election every six (6) years in Cass County. His term begins January 1 following his election and ends December 31 following the election of his successor:~~ **selected under IC 33-4.2.**

SECTION 35. IC 33-5-9.7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the Cass circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~he was an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~he was an elected~~ a judge of the circuit court.

SECTION 36. IC 33-5-10-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.5. ~~(a) There are established three (3) superior courts in and for the county of Clark, Indiana, each of which shall consist of one (1) judge, who shall hold the judge's office for a term of six (6) years, beginning on the first day of January after the judge's election, and until the judge's successor is elected and qualified:~~

~~(b) To be eligible to hold office as a judge of Clark superior court, a person must be:~~

~~(1) a resident of Clark County; and~~

~~(2) admitted to the bar of Indiana:~~

SECTION 37. IC 33-5-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. There shall be one (1) judge for each of the courts, who shall be ~~elected by the legal voters of Clark County every six (6) years at the general election. His term of office begins on the first day of January and continues for six (6) years and until his successor is elected and qualified. The judge of each superior court shall be commissioned by the governor in the same manner as judges of the circuit court. All vacancies occurring in the office of judge of the superior court shall be filled by appointments by~~



the governor in the same manner as vacancies in the office of judge of the circuit court: **selected under IC 33-4.2.**

SECTION 38. IC 33-5-10-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 24. (a) The judge of the Clark circuit court may, with the consent of a judge of the superior court, transfer any action or proceeding from the circuit court to that superior court. The judge of a superior court may, with the consent of the judge of the circuit court, transfer any action or proceeding from that superior court to the circuit court. The judge of a superior court may, with the consent of the judge of the other superior court, transfer any action or proceeding from that superior court to the other superior court.

(b) The judge of the Clark circuit court may, with the consent of the judge of the superior court, sit as a judge of that superior court in any matter, as if ~~he were an elected~~ a judge of that superior court. The judge of a superior court may, with consent of the judge of the circuit court, sit as a judge of the circuit court as if ~~he were an elected~~ a judge of the circuit court. The judge of a superior court may, with the consent of the judge of the other superior court, sit as judge of the other superior court as if he were the ~~elected~~ judge of that superior court.

SECTION 39. IC 33-5-10.3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (~~a~~) The court has one (1) judge, who shall be ~~elected at the general election every six (6) years in Clinton County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.~~

- (b) To be eligible to hold office as judge of the court, a person must:
- (1) be a resident of Clinton County;
 - (2) be less than seventy (70) years of age at the time of taking office; and
 - (3) be admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 40. IC 33-5-10.3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Clinton circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the court. The judge of the court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 41. IC 33-5-10.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The court has one (1) judge, who shall be ~~elected at the general election every six (6) years~~



1 in Clay County. His term begins January 1 following his election and
 2 ends December 31 following the election of his successor: **selected**
 3 **under IC 33-4.2.**

4 SECTION 42. IC 33-5-10.5-15 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the
 6 Clay circuit court may, with the consent of the judge of the court, sit as
 7 a judge of the court in any matter as if ~~he was an elected~~ a judge of the
 8 court. The judge of the court may, with consent of the judge of the
 9 circuit court, sit as a judge of the circuit court in any matter as if ~~he was~~
 10 ~~an elected~~ a judge of the circuit court.

11 SECTION 43. IC 33-5-10.6-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one
 13 (1) judge, who shall be ~~elected at the general election every six (6)~~
 14 ~~years in Daviess County. The judge's term begins January 1 following the~~
 15 ~~election and ends December 31 following the election of the judge's~~
 16 ~~successor:~~

17 (b) To be eligible to hold office as judge of the court, a person must:

18 (1) be a resident of Daviess County;

19 (2) be less than seventy (70) years of age at the time of taking
 20 office; and

21 (3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

22 SECTION 44. IC 33-5-10.6-10 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the
 24 Daviess circuit court may, with the consent of the judge of the court, sit
 25 as a judge of the court in any matter as if the judge of the circuit court
 26 was ~~an elected~~ a judge of the court. The judge of the court may, with
 27 consent of the judge of the circuit court, sit as a judge of the circuit
 28 court in any matter as if the judge of the court was ~~an elected~~ a judge
 29 of the circuit court.

30 SECTION 45. IC 33-5-10.7-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one
 32 (1) judge who shall be ~~elected at the general election every six (6) years~~
 33 ~~in Decatur County. The judge's term begins January 1 following the~~
 34 ~~election and ends December 31 following the election of the judge's~~
 35 ~~successor:~~

36 (b) To be eligible to hold office as a judge of the court, a person
 37 must be:

38 (1) a resident of Decatur County;

39 (2) less than seventy (70) years of age at the time of taking office;
 40 and

41 (3) admitted to the practice of law in Indiana: **selected under**
 42 **IC 33-4.2.**



SECTION 46. IC 33-5-10.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the Decatur circuit court may, with the consent of the judge of the court, sit as judge of the court in any matter as if ~~an elected~~ a judge of the court.

(b) The judge of the court may, with the consent of the judge of the Decatur circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 47. IC 33-5-10.8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one (1) judge, who shall be ~~elected at the general election every six (6) years in DeKalb County. His term begins January 1 following his election and ends December 31 following the election of his successor.~~

~~(b) To be eligible to hold office as judge of the court, a person must:~~

~~(1) be a resident of DeKalb County;~~

~~(2) be under seventy (70) years of age at the time he takes office; and~~

~~(3) be admitted to the bar of Indiana: selected under IC 33-4.2.~~

SECTION 48. IC 33-5-10.8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the DeKalb circuit court may, with the consent of the judge of the court and of the parties or their counsel, sit as a judge of the court in any matter as if ~~he was an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court and of the parties or their counsel, sit as a judge of the circuit court in any matter as if ~~he was an elected~~ a judge of the circuit court.

SECTION 49. IC 33-5-10.9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one (1) judge who shall be ~~elected at the general election every six (6) years in Fulton County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.~~

~~(b) To be eligible to hold office as a judge of the court, a person must be:~~

~~(1) a resident of Fulton County;~~

~~(2) less than seventy (70) years of age at the time of taking office; and~~

~~(3) admitted to the practice of law in Indiana: selected under IC 33-4.2.~~

SECTION 50. IC 33-5-10.9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the circuit court may, with the consent of the judge of the court, sit as judge of the court in any matter as if ~~an elected~~ a judge of the court.



(b) The judge of the court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 51. IC 33-5-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The term of the judge of the Grant superior court shall be ~~six (6) years; if the person shall so long behave himself well; beginning on the first day of January next following his election.~~ The voters of Grant County every six (6) years at a general election shall elect a person as judge of the court. The election shall be certified in the same manner as is provided by law for the certifying of the election of circuit court judges. If for any cause a vacancy shall occur in the judgeship of the court, the governor shall appoint and commission a person to fill such vacancy for the unexpired term: **selected under IC 33-4.2.**

SECTION 52. IC 33-5-12.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Each court has one (1) judge, who shall be elected at the general election every six (6) years in Delaware County. His term begins January 1 following his election and ends December 31 following the election of his successor.

(b) To be eligible to hold office as judge of a Delaware superior court, a person must:

- (1) be a resident of Delaware County;
- (2) be under seventy (70) years of age at the time he takes office;
- and
- (3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

SECTION 53. IC 33-5-12.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the Delaware circuit court may, with the consent of a judge of the Delaware superior court, sit as the judge of that Delaware superior court in any matter as if ~~he were the elected~~ a judge of that superior court. A Delaware superior court judge may, with consent of the judge of the circuit court, sit as the judge of the circuit court in any matter as if ~~he were the elected~~ judge of the circuit court.

SECTION 54. IC 33-5-12.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Dubois County. His term begins January 1 following his election and ends December 31 following the election of his successor.

(b) To be eligible to hold office as judge of the court, a person must:

- (1) be a resident of Dubois County;
- (2) be under seventy (70) years of age at the time he takes office;
- and



~~(3) be admitted to the bar of Indiana: selected under IC 33-4.2.~~

SECTION 55. IC 33-5-12.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the Dubois circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~he was an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if he was ~~an elected~~ a judge of the circuit court.

SECTION 56. IC 33-5-13.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a) The court has five (5) judges, who shall be elected at the general election every six (6) years in Elkhart County. A judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.~~

~~(b) To be eligible to hold office as a judge of the court, a person must:~~

~~(1) be a resident of Elkhart County;~~

~~(2) be under seventy (70) years of age at the time the judge takes office; and~~

~~(3) be admitted to the bar of Indiana: selected under IC 33-4.2.~~

SECTION 57. IC 33-5-13.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. The judge of the Elkhart circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~he was an elected~~ a judge of the court. A judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~he was an elected~~ a judge of the circuit court.

SECTION 58. IC 33-5-17.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Fayette County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.~~

~~(b) To be eligible to hold office as judge of the court, a person must:~~

~~(1) be a resident of Fayette County;~~

~~(2) be under seventy (70) years of age at the time of taking office; and~~

~~(3) be admitted to the bar of Indiana: selected under IC 33-4.2.~~

SECTION 59. IC 33-5-17.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Fayette circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the



1 court. The judge of the court may, with consent of the judge of the
 2 circuit court, sit as a judge of the circuit court in any matter as if ~~an~~
 3 ~~elected~~ a judge of the circuit court.

4 SECTION 60. IC 33-5-18.1-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The court has one (1)
 6 judge, who shall be ~~elected at the general election every six (6) years~~
 7 ~~in Floyd County. His term begins January 1 following his election and~~
 8 ~~ends December 31 following the election of his successor. selected~~
 9 ~~under IC 33-4.2.~~

10 SECTION 61. IC 33-5-18.1-14 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. The judge of the
 12 Floyd circuit court may, with the consent of the judge of the court, sit
 13 as a judge of the court in any matter as if ~~he were an elected~~ a judge of
 14 the court. The judge of the court may, with consent of the judge of the
 15 circuit court, sit as a judge of the circuit court in any matter as if he
 16 were ~~an elected~~ a judge of the circuit court.

17 SECTION 62. IC 33-5-18.3-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one
 19 (1) judge, who shall be ~~elected at the general election every six (6)~~
 20 ~~years in Gibson County. His term begins January 1 following his~~
 21 ~~election and ends December 31 following the election of his successor.~~
 22 (b) To be eligible to hold office as judge of the court, a person must:
 23 (1) be a resident of Gibson County;
 24 (2) be under seventy (70) years of age at the time he takes office;
 25 and
 26 (3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

27 SECTION 63. IC 33-5-18.3-10 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the
 29 Gibson circuit court may, with the consent of the judge of the court, sit
 30 as a judge of the court in any matter as if ~~he was an elected~~ a judge of
 31 the court. The judge of the court may, with consent of the judge of the
 32 circuit court, sit as a judge of the circuit court in any matter as if he was
 33 ~~an elected~~ a judge of the circuit court.

34 SECTION 64. IC 33-5-19-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is hereby
 36 created a Superior Court No. 2, in and for the county of Grant, Indiana,
 37 which court shall consist of one (1) judge, who shall ~~hold his office for~~
 38 ~~a term of six (6) years; beginning on the first day of January after his~~
 39 ~~election; and until his successor is elected and qualified. Every six (6)~~
 40 ~~years; the voters of Grant County shall elect at the general election a~~
 41 ~~judge for the superior court be selected under IC 33-4.2.~~

42 SECTION 65. IC 33-5-19.3-2 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one (1) judge who shall be elected at the general election every six (6) years in Grant County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as a judge of the court, a person must be:

(1) a resident of Grant County;

(2) less than seventy (70) years of age at the time of taking office; and

(3) admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 66. IC 33-5-19.3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the Grant circuit court, Grant superior court, or Grant superior court No. 2 may, with the consent of the judge of the court, sit as judge of the court in any matter as if ~~an elected~~ a judge of the court.

(b) The judge of the court may, with the consent of the judge of the Grant circuit court, Grant superior court, or Grant superior court No. 2, sit as a judge of the Grant circuit court, Grant superior court, or Grant superior court No. 2 in any matter as if ~~an elected~~ a judge of the Grant circuit court, Grant superior court, or Grant superior court No. 2.

SECTION 67. IC 33-5-19.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one (1) judge, who shall be elected at the general election every six (6) years in Greene County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Greene County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 68. IC 33-5-19.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Greene circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 69. IC 33-5-19.8-2 IS AMENDED TO READ AS



C
o
p
y

FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a) The court has one~~
~~(1) judge who shall be elected at the general election every six (6) years~~
~~in Harrison County. The judge's term begins January 1 following the~~
~~election and ends December 31 following the election of the judge's~~
~~successor.~~

~~(b) To be eligible to hold office as a judge of the court, a person~~
~~must be:~~

~~(1) a resident of Harrison County;~~

~~(2) less than seventy (70) years of age at the time of taking office;~~
~~and~~

~~(3) admitted to the practice of law in Indiana; selected under~~
~~IC 33-4.2.~~

SECTION 70. IC 33-5-19.8-10 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the
 circuit court may, with the consent of the judge of the court, sit as judge
 of the court in any matter as if ~~an elected~~ a judge of the court.

(b) The judge of the court may, with the consent of the judge of the
 circuit court, sit as a judge of the circuit court in any matter as if ~~an~~
~~elected~~ a judge of the circuit court.

SECTION 71. IC 33-5-20.1-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There shall be and
 is hereby established a Superior Court in Howard County, Indiana,
 which shall consist of two (2) judges. ~~who shall hold their offices for~~
~~six (6) years and until their successor shall have been elected and~~
~~qualified. Each judge shall be selected under IC 33-4.2.~~

SECTION 72. IC 33-5-20.1-23 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. The judge of the
 Howard County Circuit Court shall, at his discretion and with the
 court's permission, be authorized to sit and to act as a judge of this
 court in all matters pending before this court, without limitation and
 without any further order, in the same manner and stead as if he were
 a judge of this court, with all the rights and powers as if he were a ~~duly~~
~~elected~~ judge of this court, including the right to act as presiding judge
 and otherwise participate in the organization and administration of this
 court.

SECTION 73. IC 33-5-20.1-24 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 24. The judge for this
 court shall be ~~elected every six (6) years at the general election. The~~
~~term of office shall begin the first day of January following his election;~~
~~and continue for six (6) years and until his successor is elected and~~
~~qualified. selected under IC 33-4.2.~~

SECTION 74. IC 33-5-20.2-2 IS AMENDED TO READ AS



C
O
P
Y

FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a) The court has one (1) judge who shall be elected at the general election every six (6) years in Howard County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.~~

~~(b) To be eligible to hold office as a judge of the court, a person must be:~~

~~(1) a resident of Howard County;~~

~~(2) less than seventy (70) years of age at the time of taking office; and~~

~~(3) admitted to the practice of law in Indiana: selected under IC 33-4.2.~~

SECTION 75. IC 33-5-20.2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the Howard circuit court, Howard superior court, or Howard superior court No. 2 may, with the consent of the judge of the court, sit as judge of the court in any matter as if ~~an elected~~ a judge of the court.

(b) The judge of the court may, with the consent of the judge of the Howard circuit court, Howard superior court, or Howard superior court No. 2, sit as a judge of the Howard circuit court, Howard superior court, or Howard superior court No. 2 in any matter as if ~~an elected~~ a judge of the Howard circuit court, Howard superior court, or Howard superior court No. 2.

SECTION 76. IC 33-5-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There hereby is established a superior court No. 1 in and for the county of Henry, Indiana. The court shall consist of one (1) judge, who shall hold his office for six (6) years, beginning on the first day of January after his election; and until his successor is elected and qualified. Every six (6) years, the voters of Henry County shall elect at the general election a judge for the superior court No. 1: **be selected under IC 33-4.2.**

(b) An additional court is established to be known as Henry superior court No. 2. Henry superior court No. 2 has one (1) judge, who is elected at the general election every six (6) years in Henry County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

~~(c) To be eligible to hold office as a judge of a Henry superior court, a person must be:~~

~~(1) a resident of Henry County;~~

~~(2) less than seventy (70) years of age at the time of taking office; and~~

~~(3) admitted to the practice of law in Indiana: shall be selected~~



under IC 33-4.2.

SECTION 77. IC 33-5-21-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) The judge of the Henry circuit court may, with the consent of the judge of a court, sit as a judge of the court in any matter as if the judge of the circuit court was ~~an elected~~ a judge of the court.

(b) The judge of a court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if the judge of the court was ~~an elected~~ a judge of the circuit court.

(c) The judge of a court may, with the consent of the judge of the other court, sit as a judge of the other court in any manner as if ~~elected~~ as the judge of the other court.

SECTION 78. IC 33-5-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. ~~(a)~~ There are created five (5) superior courts in Hamilton County, Indiana, each consisting of one (1) judge, who shall ~~hold office for a term of six (6) years; beginning January 1 after the election for the office is held and until a successor is elected and qualified. Every six (6) years, the voters of Hamilton County shall elect at the general election a judge for each superior court.~~

(b) ~~To be eligible to hold office as judge of a superior court, a person must be:~~

~~(1) a resident of Hamilton County;~~

~~(2) under seventy (70) years of age when taking office; and~~

~~(3) admitted to the practice of law in Indiana. be selected under~~

IC 33-4.2.

SECTION 79. IC 33-5-22-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. The judge of the Hamilton circuit court may, with the consent of the judge of the superior court, sit as a judge of either superior court in any matter as if the judge of the circuit court were ~~an elected~~ a judge of the superior court. The judge of either superior court may, with the consent of the judge of the circuit court, sit as judge of the circuit court in any matter as if the judge of the superior court were ~~an elected~~ a judge of the circuit court.

SECTION 80. IC 33-5-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There are established two (2) superior courts in and for the county of Hancock, Indiana, each of which shall consist of one (1) judge, who shall ~~hold his office for six (6) years; beginning on January 1 after his election and until his successor is elected and qualified. Every six (6) years, the voters of Hancock County shall elect at the general election a judge for each~~



1 superior court: be selected under IC 33-4.2.

2 SECTION 81. IC 33-5-24-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There are
4 established three (3) superior courts in and for the county of Johnson,
5 Indiana, each of which shall consist of one (1) judge, who shall hold
6 the judge's office for a term of six (6) years, beginning on the first day
7 of January after the judge's election; and until the judge's successor is
8 elected and qualified. Every six (6) years, the voters of Johnson County
9 shall elect at the general election a judge for each superior court.

10 (b) To be eligible to hold office as a judge of a superior court, a
11 person must be:

12 (1) a resident of Johnson County;

13 (2) under the age of seventy (70) years at the time the judge takes
14 office; and

15 (3) admitted to the bar of Indiana: be selected under IC 33-4.2.

16 SECTION 82. IC 33-5-24-10 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the
18 Johnson circuit court may, with the consent of the judge of a superior
19 court, sit as a judge of the superior court in any matter as if the judge
20 of the Johnson circuit court were an elected a judge of the superior
21 court.

22 (b) The judge of a superior court may, with the consent of the judge
23 of the circuit court, sit as judge of the circuit court in any matter as if
24 the judge of the superior court were an elected a judge of the circuit
25 court.

26 (c) The judge of a superior court may, with the consent of the judge
27 of another superior court, sit as the judge of the other superior court in
28 any matter as if the judge of the superior court were an elected a judge
29 of the other superior court.

30 SECTION 83. IC 33-5-25-1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There are
32 established three (3) superior courts in and for the county of Hendricks,
33 Indiana, each of which shall consist of one (1) judge, who shall hold his
34 office for a term of six (6) years, beginning on the first day of January
35 after his election; and until his successor is elected and qualified. Every
36 six (6) years, the voters of Hendricks County shall elect at the general
37 election a judge for each superior court.

38 (b) To be eligible to hold office as a judge of either court, a person
39 must be:

40 (1) a resident of Hendricks County;

41 (2) under the age of seventy (70) years at the time he takes office;
42 and



(3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

SECTION 84. IC 33-5-25.3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Huntington County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Huntington County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 85. IC 33-5-25.3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Huntington circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 86. IC 33-5-25.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Jackson County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Jackson County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 87. IC 33-5-25.4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Jackson circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 88. IC 33-5-25.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The Jasper superior court has one (1) judge, who shall be elected at the general election



every six (6) years in Jasper County. His term begins January 1 following his election and ends December 31 following the election of his successor: **selected under IC 33-4.2.**

SECTION 89. IC 33-5-25.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the Jasper circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~he was an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~he was the elected~~ a judge of the circuit court.

SECTION 90. IC 33-5-25.7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Jay County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor:

(b) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Jay County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 91. IC 33-5-25.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Jay circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 92. IC 33-5-25.8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Jefferson County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor:

(b) To be eligible to hold office as judge of the court, a person must be:

(1) a resident of Jefferson County;

(2) less than seventy (70) years of age at the time of taking office; and

(3) admitted to the practice of law in Indiana: **selected under IC 33-4.2.**



SECTION 93. IC 33-5-25.8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the Jefferson and Switzerland circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the court.

(b) The judge of the court may, with the consent of the judge of the Jefferson and Switzerland circuit court, sit as a judge of the Jefferson and Switzerland circuit court in any matter as if ~~an elected~~ a judge of the Jefferson and Switzerland circuit court.

SECTION 94. IC 33-5-25.9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Jennings County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.~~

~~(b) To be eligible to hold office as judge of the court, a person must be:~~

~~(1) a resident of Jennings County;~~

~~(2) less than seventy (70) years of age at the time of taking office; and~~

~~(3) admitted to the practice of law in Indiana: selected under IC 33-4.2.~~

SECTION 95. IC 33-5-25.9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Jennings circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the court. The judge of the court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 96. IC 33-5-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is established a superior court in and for the county of Knox, Indiana, which has one (1) judge, who shall ~~hold office for six (6) years; beginning on the first day of January after election; and ending December 31 following the election of the judge's successor. The court shall be known as Knox superior court No. 1. Every six (6) years, the voters of Knox County shall elect at the general election a judge for the superior court: be selected under IC 33-4.2.~~

(b) An additional court of record is established to be known as the Knox superior court No. 2. Knox County constitutes the judicial district of the court. The Knox superior court No. 2 has one (1) judge, who shall be ~~elected at the general election every six (6) years in Knox~~



County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(c) To be eligible to hold office as judge of either court, a person must:

(1) be a resident of Knox County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 97. IC 33-5-26-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of a superior court may, with the consent of the judge of the circuit or other superior court, sit as a judge of the circuit or other superior court in any matter as if the judge of the superior court was ~~an elected~~ a judge of the circuit or other superior court.

SECTION 98. IC 33-5-27-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is hereby created a superior court in and for the county of Kosciusko, Indiana, which shall consist of three (3) judges, who shall ~~hold office for a term of six (6) years, beginning on the first day of January after election, and until a successor is elected and qualified.~~ Every six (6) years, the voters of Kosciusko County shall elect at the general election judges for the superior court: **be selected under IC 33-4.2.**

SECTION 99. IC 33-5-27-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. The judge of the Kosciusko Circuit Court shall be at his discretion, authorized to sit as judge of the superior court, with the court's permission, in all matters pending before said superior court without limitation and without any further order, in the same manner and stead as if he were a judge of said superior court with all the rights and powers as if ~~he were~~ a **duly elected** judge of said superior court.

SECTION 100. IC 33-5-27.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a) The court has one (1) judge, who shall be elected at the general election every six (6) years in LaGrange County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.~~

(b) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of LaGrange County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the practice of law in Indiana: **selected under**



IC 33-4.2.

SECTION 101. IC 33-5-27.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the LaGrange circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if the judge of the circuit court was ~~an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if the judge of the court was ~~an elected~~ a judge of the circuit court.

SECTION 102. IC 33-5-29.5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. The judge of the Lake circuit court shall be, at his discretion, authorized to sit as a judge of this court, with the court's permission, in the civil division, without limitation and without any further order, in the same manner and stead as if he were a judge of this court with all the rights and powers as if ~~he were~~ a duly appointed judge of this court.

SECTION 103. IC 33-5-29.5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. (a) ~~Unless the judge is a judge of the county division, at the general election immediately preceding the expiration of a judge's extended term the question of that judge's retention in office or rejection shall be submitted to the electorate of Lake County under section 42 of this chapter. Thereafter, unless rejected by the electorate, each such judge shall serve successive terms as provided in section 41(b) of this chapter.~~

(b) A judge of the county division may serve a successive term if elected to serve a successive term under section 42.5 of this chapter: **court shall be selected under IC 33-4.2.**

SECTION 104. IC 33-5-31.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Each court has one (1) judge, who shall be elected at the general election every six (6) years in LaPorte County. Each judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) ~~To be eligible to hold office as judge of any of the courts, a person must:~~

(1) be a resident of LaPorte County; and

(2) ~~be admitted to the bar of Indiana;~~ **selected under IC 33-4.2.**

SECTION 105. IC 33-5-31.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the LaPorte circuit court may, with the consent of the judge of any of the courts, sit as a judge of the court in any matter as if ~~an elected~~ a judge of that court. The judge of any of the courts may, with the consent of



the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 106. IC 33-5-32.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There shall be and is hereby established a superior court in Lawrence County, Indiana, which shall consist of two (2) judges. ~~Each judge shall hold office for six (6) years and until the judge's successor shall have been elected and qualified.~~ **Each judge shall be selected under IC 33-4.2.**

SECTION 107. IC 33-5-32.5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. The judge of the Lawrence County circuit court shall be, at his discretion and with the court's permission, authorized to sit and to act as a judge of this court in all matters pending before this court, without limitation and without any further order in the same manner and stead as if he were a judge of this court, with all the rights and powers as if he were a ~~duty elected~~ judge of this court.

SECTION 108. IC 33-5-32.5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. A judge for this court shall be ~~elected every six (6) years at the general election. The term of office shall begin the first day of January following his election and continue for six (6) years and until his successor is elected and qualified.~~ **selected under IC 33-4.2.**

SECTION 109. IC 33-5-33.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is hereby established a superior court in Madison County, Indiana, (referred to as the "superior court" in this chapter) which court shall consist of three (3) judges. ~~who shall hold their office for six (6) years and until their successors have been elected and qualified. In addition to the three (3) judges, the judge of the Madison Circuit Court (referred to as the "circuit court" in this chapter) may sit as a judge of the superior court as hereinafter provided in this chapter.~~ **Each judge shall be selected under IC 33-4.2.**

SECTION 110. IC 33-5-33.1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. The judge of the circuit court may sit as a judge of the superior court, with the court's permission, in all matters pending before the court, without limitation and without any further order, in the same manner as if he were ~~an elected~~ a judge of the court.

SECTION 111. IC 33-5-35.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is created a superior court No. 1 in and for the county of Marshall, Indiana, which has one (1) judge, who shall ~~hold office for a term of six (6) years;~~



beginning on January 1 after election and ending December 31 following the election of the judge's successor. Every six (6) years, the voters of Marshall County shall elect at the general election a judge for the superior court No. 1: **be selected under IC 33-4.2.**

(b) There is also created a superior court No. 2 in Marshall County, which has one (1) judge, who shall hold office for a term of six (6) years, beginning on January 1 after election and ending December 31 following the election of the judge's successor. Every six (6) years, the voters of Marshall County shall elect at the general election a judge for the superior court No. 2:

(c) To be eligible to hold office as judge of either court, a person must:

(1) be a resident of Marshall County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the practice of law in Indiana: **be selected under IC 33-4.2.**

SECTION 112. IC 33-5-35.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. The judge of the Marshall circuit court may, with the consent of the judge of either of the superior courts, sit as judge of a superior court in any matter as if ~~an elected~~ a judge of that court. The judge of either of the superior courts may, with the consent of the judge of the circuit court, sit as a judge of the circuit court as if ~~an elected~~ a judge of the circuit court.

SECTION 113. IC 33-5-35.8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Miami County. His term begins January 1 following his election and ends December 31 following the election of his successor:

(b) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Miami County;

(2) be under seventy (70) years of age at the time he takes office; and

(3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

SECTION 114. IC 33-5-35.8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the Miami circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~he was an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~he was an elected~~ a judge of the circuit court.

SECTION 115. IC 33-5-36.6-2 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one (1) judge, who shall be elected at the general election every six (6) years in Montgomery County. The term of the judge begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as a judge of the court, a person must:

(1) be a resident of Montgomery County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

SECTION 116. IC 33-5-36.6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Montgomery circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if the judge of the circuit court was ~~an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as judge of the circuit court in any matter as if the judge of the court was ~~an elected~~ a judge of the circuit court.

SECTION 117. IC 33-5-37-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is hereby created a superior court in and for the county of Morgan, Indiana, which shall consist of three (3) judges. Each judge shall ~~hold office for a term of six (6) years beginning on the first day of January after election and until the judge's successor is elected and qualified. Every six (6) years, the voters of Morgan County shall elect at the general election the judges for the superior court.~~ **be selected under IC 33-4.2.**

SECTION 118. IC 33-5-37.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one (1) judge, who shall be elected at the general election every six (6) years in Newton County. His term begins January 1 following his election and ends December 31 following the election of his successor.

(b) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Newton County; and

(2) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

SECTION 119. IC 33-5-37.2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the Newton circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~he was an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if he was ~~an elected~~ a judge of the circuit court.



SECTION 120. IC 33-5-37.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one (1) judge, who shall be ~~elected at the general election every six (6) years in Noble County.~~ His term begins January 1 following his election and ends December 31 following the election of his successor.

(b) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Noble County;

(2) be under seventy (70) years of age at the time he takes office; and

(3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

SECTION 121. IC 33-5-37.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. The judge of the Noble circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~he was an elected a~~ judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~he was an elected a~~ judge of the circuit court.

SECTION 122. IC 33-5-37.7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The court has one (1) judge, who shall be ~~elected at the general election every six (6) years in Ohio and Switzerland counties.~~ His term begins January 1 following his election and ends December 31 following the election of his successor: **selected under IC 33-4.2.**

SECTION 123. IC 33-5-37.7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the circuit court in Ohio or Switzerland County may, with the consent of the judge of the court, sit as a judge of the court in any matter over which he would have had jurisdiction as circuit court judge, as if ~~he was an elected a~~ judge of the court. The judge of the court may, with consent of the judge of such a circuit court, sit as a judge of a circuit court in Ohio or Switzerland County in any matter over which he would have jurisdiction as superior judge, as if ~~he was an elected a~~ judge of that circuit court.

SECTION 124. IC 33-5-38-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is established a superior court in Porter County, Indiana, which shall consist of five (5) judges, who shall ~~hold their office for six (6) years, beginning on the first day of January after their election and until their successors are elected and qualified if they shall so long behave well.~~ Every six (6) years the voters of Porter County shall elect at the general election the judges for the superior court: **be selected under IC 33-4.2.**

(b) The judges of the superior court established under this section



C
o
p
y

are designated as follows:

(1) Two (2) judges are judges of the superior court, superior division.

(2) Three (3) judges are judges of the superior court, county division.

SECTION 125. IC 33-5-38-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 28. The judge of the Porter Circuit Court shall be, at his discretion and with the court's permission, authorized to sit and to act as a judge of this court in all matters pending before this court, without limitation and without any further order, in the same manner and stead as if he were a judge of this court, with all the rights and powers as if he were a ~~duly elected~~ judge of this court, including the right to act as presiding judge and otherwise participate in the organization and administration of this court.

SECTION 126. IC 33-5-38.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one (1) judge who shall be ~~elected at the general election every six (6) years in Posey County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.~~

~~(b) To be eligible to hold office as a judge of the court, a person must be:~~

~~(1) a resident of Posey County;~~

~~(2) less than seventy (70) years of age at the time of taking office; and~~

~~(3) admitted to the practice of law in Indiana: selected under IC 33-4.2.~~

SECTION 127. IC 33-5-38.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the Posey circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected a~~ judge of the court.

(b) The judge of the court may, with the consent of the judge of the Posey circuit court, sit as a judge of the circuit court in any matter as if ~~an elected a~~ judge of the circuit court.

SECTION 128. IC 33-5-38.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one (1) judge who shall be ~~elected at the general election every six (6) years in Pulaski County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.~~

~~(b) To be eligible to hold office as a judge of the court, a person~~



1 must be:

- 2 (1) a resident of Pulaski County;
 3 (2) less than seventy (70) years of age at the time of taking office;
 4 and
 5 (3) admitted to the practice of law in Indiana: **selected under**
 6 **IC 33-4.2.**

7 SECTION 129. IC 33-5-38.2-10 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the
 9 circuit court may, with the consent of the judge of the court, sit as judge
 10 of the court in any matter as if ~~an elected~~ a judge of the court.

11 (b) The judge of the court may, with the consent of the judge of the
 12 circuit court, sit as a judge of the circuit court in any matter as if ~~an~~
 13 ~~elected~~ a judge of the circuit court.

14 SECTION 130. IC 33-5-38.3-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one
 16 (1) judge who shall be ~~elected at the general election every six (6) years~~
 17 ~~in Putnam County. The judge's term begins January 1 following the~~
 18 ~~election and ends December 31 following the election of the judge's~~
 19 ~~successor.~~

20 (b) ~~To be eligible to hold office as a judge of the court, a person~~
 21 ~~must be:~~

- 22 (1) a resident of Putnam County; and
 23 (2) admitted to the practice of law in Indiana: **selected under**
 24 **IC 33-4.2.**

25 SECTION 131. IC 33-5-38.3-10 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the
 27 Putnam circuit court may, with the consent of the judge of the court, sit
 28 as a judge of the court in any matter as if ~~an elected~~ a judge of the
 29 court.

30 (b) The judge of the court may, with the consent of the judge of the
 31 Putnam circuit court, sit as a judge of the circuit court in any matter as
 32 if ~~an elected~~ a judge of the circuit court.

33 SECTION 132. IC 33-5-38.5-2 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one
 35 (1) judge, who shall be ~~elected at the general election every six (6)~~
 36 ~~years in Randolph County. The judge's term begins January 1 following~~
 37 ~~the election and ends December 31 following the election of the judge's~~
 38 ~~successor.~~

39 (b) ~~To be eligible to hold office as judge of the court, a person must:~~

- 40 (1) be a resident of Randolph County;
 41 (2) be less than seventy (70) years of age at the time of taking
 42 office; and



C
o
p
y

(3) be admitted to the practice of law in Indiana: selected under
IC 33-4.2.

SECTION 133. IC 33-5-38.5-10 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the
 Randolph circuit court may, with the consent of the judge of the court,
 sit as a judge of the court in any matter as if ~~an elected~~ a judge of the
 court. The judge of the court may, with consent of the judge of the
 circuit court, sit as a judge of the circuit court in any matter as if ~~an~~
~~elected~~ a judge of the circuit court.

SECTION 134. IC 33-5-38.7-2 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one
 (1) judge who shall be ~~elected at the general election every six (6) years~~
~~in Ripley County. The judge's term begins January 1 following the~~
~~election and ends December 31 following the election of the judge's~~
~~successor.~~

(b) ~~To be eligible to hold office as a judge of the court, a person~~
~~must be:~~

(1) a resident of Ripley County;

(2) less than seventy (70) years of age at the time of taking office;
 and

(3) admitted to the practice of law in Indiana: selected under
IC 33-4.2.

SECTION 135. IC 33-5-38.7-10 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the
 Ripley circuit court may, with the consent of the judge of the court, sit
 as a judge of the court in any matter as if ~~an elected~~ a judge of the
 court.

(b) The judge of the court may, with the consent of the judge of the
 Ripley circuit court, sit as a judge of the circuit court in any matter as
 if ~~an elected~~ a judge of the circuit court.

SECTION 136. IC 33-5-38.9-2 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one
 (1) judge, who shall be ~~elected at the general election every six (6)~~
~~years in Scott County. The judge's term begins January 1 following the~~
~~election and ends December 31 following the election of the judge's~~
~~successor.~~

(b) ~~To be eligible to hold office as judge of the court, a person must~~
~~be:~~

(1) a resident of Scott County;

(2) less than seventy (70) years of age at the time of taking office;
 and

(3) admitted to the practice of law in Indiana: selected under



1 **IC 33-4.2.**

2 SECTION 137. IC 33-5-38.9-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the
4 Scott circuit court may, with the consent of the judge of the court, sit
5 as a judge of the court in any matter as if ~~an elected~~ a judge of the
6 court. The judge of the court may, with the consent of the judge of the
7 circuit court, sit as a judge of the circuit court in any matter as if ~~an~~
8 ~~elected~~ a judge of the circuit court.

9 SECTION 138. IC 33-5-39-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is
11 established a superior court No. 1 in and for the county of Shelby,
12 Indiana. The court shall consist of one (1) judge who shall be ~~elected~~
13 ~~for a term of six (6) years; beginning on the first day of January after~~
14 ~~the judge's election; and until a successor is duly elected and qualified.~~
15 ~~Every six (6) years; the voters of Shelby County shall elect at the~~
16 ~~general election a judge for the superior court.~~ **selected under**
17 **IC 33-4.2.**

18 (b) An additional court is established to be known as Shelby
19 superior court No. 2. Shelby superior court No. 2 has one (1) judge,
20 who is ~~elected at the general election every six (6) years in Shelby~~
21 ~~County. The judge's term begins January 1 following the election and~~
22 ~~ends December 31 following the election of the judge's successor.~~

23 (c) ~~To be eligible to hold office as a judge of a Shelby superior~~
24 ~~court, a person must be:~~

25 (1) ~~a resident of Shelby County;~~

26 (2) ~~less than seventy (70) years of age at the time of taking office;~~
27 ~~and~~

28 (3) ~~admitted to the practice of law in Indiana.~~ **shall be selected**
29 **under IC 33-4.2.**

30 SECTION 139. IC 33-5-39-13 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The judge of the
32 Shelby circuit court may, with the consent of the judge of a court, sit as
33 a judge of the court in any matter as if the judge of the circuit court was
34 ~~an elected~~ a judge of the court.

35 (b) The judge of a court may, with the consent of the judge of the
36 circuit court, sit as a judge of the circuit court in any matter as if the
37 judge of the court was ~~an elected~~ a judge of the circuit court.

38 (c) The judge of a court may, with the consent of the judge of the
39 other court, sit as a judge of the other court in any matter as if ~~elected~~
40 ~~as the judge of the other court.~~

41 SECTION 140. IC 33-5-40-1 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is established



a superior court in St. Joseph County, Indiana, which court shall consist of eight (8) judges **selected under IC 33-4.2.**

SECTION 141. IC 33-5-40-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 28. The judge of the St. Joseph circuit court shall be, at his discretion, authorized to sit as a judge of this court, with the court's permission, in all matters pending before this court, without limitation and without any further order, in the same manner and stead as if he were a judge of this court with all the rights and powers as if he were a ~~duly elected~~ judge of this court.

SECTION 142. IC 33-5-40-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 49. There is hereby created a commission on judicial qualifications for the St. Joseph superior court, whose membership shall be the same as that of the judicial nominating commission provided for **St. Joseph County** in ~~section 33 of this chapter.~~ **IC 33-4.2-2-1.** The commission shall have authority to employ special counsel in any proceedings it undertakes pursuant to the responsibilities imposed upon it by this chapter.

SECTION 143. IC 33-5-40.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Steuben County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.~~

~~(b) To be eligible to hold office as judge of the court, a person must:~~

~~(1) be a resident of Steuben County;~~

~~(2) under seventy (70) years of age at the time of taking office; and~~

~~(3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**~~

SECTION 144. IC 33-5-40.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Steuben circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected a~~ judge of the court. The judge of the court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected a~~ judge of the circuit court.

SECTION 145. IC 33-5-40.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Sullivan County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.~~

~~(b) To be eligible to hold office as judge of the court, a person must:~~



- (1) be a resident of Sullivan County;
- (2) be less than seventy (70) years of age at the time of taking office; and
- (3) be admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 146. IC 33-5-40.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the Sullivan circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 147. IC 33-5-41-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There hereby is established a superior court in the county of Tippecanoe, Indiana, which shall consist of one (1) judge, who shall ~~hold his office for six (6) years, beginning on the first day of January after his election; and until his successor is elected and qualified; if he shall so long behave well. The judge shall be elected every six (6) years at the general election:~~ **be selected under IC 33-4.2.** The court shall be known as the "Superior Court of Tippecanoe County."

SECTION 148. IC 33-5-42-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is hereby created a Superior Court No. 2 in and for the county of Tippecanoe, Indiana, which court shall consist of one (1) judge, who shall ~~hold his office for a term of six (6) years, beginning on the first day of January after his election; and until his successor is elected and qualified. The judge of said court shall be elected every six (6) years at the general election:~~ **be selected under IC 33-4.2.**

SECTION 149. IC 33-5-42.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

- (b) To be eligible to hold office as judge of the court, a person must:
- (1) be a resident of Tippecanoe County;
 - (2) be under seventy (70) years of age at the time of taking office; and
 - (3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

SECTION 150. IC 33-5-42.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The judge of the



1 Tippecanoe circuit or other superior court may, with the consent of the
 2 judge of the court, sit as a judge of the court in any matter as if ~~an~~
 3 ~~elected~~ a judge of the court. The judge of the court may, with the
 4 consent of the judge of the ~~circuit~~ **circuit** or other superior court, sit as
 5 a judge of the ~~circuit~~ **circuit** or other superior court in any matter as if
 6 ~~an elected~~ a judge of the circuit or other superior court.

7 SECTION 151. IC 33-5-43-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There shall be and
 9 is hereby established a superior court in Vanderburgh County, Indiana,
 10 which court shall consist of seven (7) judges who shall ~~hold their office~~
 11 ~~for six (6) years and until their successors shall have been elected and~~
 12 ~~qualified. In addition to said seven (7) judges, the judge of the~~
 13 ~~Vanderburgh Circuit Court may sit as a judge of said Vanderburgh~~
 14 ~~Superior Court as hereinafter provided in this chapter. be selected~~
 15 **under IC 33-4.2.**

16 SECTION 152. IC 33-5-43-29 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 29. The judge of the
 18 Vanderburgh Circuit Court shall be, at ~~his~~ **the judge's** discretion,
 19 authorized to sit as a judge of this court, with the court's permission, in
 20 all matters pending before this court, without limitation and without
 21 any further order, in the same manner and stead as if ~~he were~~ a judge
 22 of this court with all the rights and powers as if ~~he were~~ a **duly elected**
 23 judge of this court.

24 SECTION 153. IC 33-5-44.1-1 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is hereby
 26 established a superior court in Vigo County, Indiana, which court shall
 27 consist of two (2) judges who shall ~~hold their office for six (6) years if~~
 28 ~~they behave well and until their successors have been elected and~~
 29 ~~qualified. In addition to the two (2) judges, the judge of the Vigo~~
 30 ~~Circuit Court may sit as a judge of said Vigo Superior Court as~~
 31 ~~hereinafter provided in this chapter. be selected under IC 33-4.2.~~

32 SECTION 154. IC 33-5-44.1-26 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. The judge of the
 34 Vigo Circuit Court shall be, at ~~his~~ **the judge's** discretion, authorized to
 35 sit as a judge of this court, with the court's permission, in all matters
 36 pending before this court, without limitation and without any further
 37 order, in the same manner and stead as if ~~he were~~ a **duly elected** judge
 38 of this court.

39 SECTION 155. IC 33-5-45.1-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one
 41 (1) judge who shall be ~~elected at the general election every six (6) years~~
 42 ~~in Wabash County. The judge's term begins January 1 following the~~



election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as a judge of the court, a person must be:

(1) a resident of Wabash County;

(2) less than seventy (70) years of age at the time of taking office; and

(3) admitted to the practice of law in Indiana: **selected under IC 33-4.2.**

SECTION 156. IC 33-5-45.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The judge of the Wabash circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if ~~an elected~~ a judge of the court.

(b) The judge of the court may, with the consent of the judge of the Wabash circuit court, sit as a judge of the circuit court in any matter as if ~~an elected~~ a judge of the circuit court.

SECTION 157. IC 33-5-45.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The judge of the Warrick circuit court shall be, at the judge's discretion and with a court's permission, authorized to sit and to act as a judge of the court in all matters before the court, without limitation and without any further order in the same manner and stead and with all the rights and powers as if the judge were a duly elected judge of the court.

(b) The judge of the Warrick superior court No. 1 or Warrick superior court No. 2 shall be, at the judge's discretion and with the circuit court's permission, authorized to sit and to act as a judge of the circuit court in all matters pending before the circuit court, without limitation and without any further order in the same manner and stead and with all the rights and powers as if the judge were the duly elected judge of the circuit court.

(c) The judge of a court may, with the consent of the judge of the other court, sit as a judge of the other court in any manner as if ~~elected~~ as the judge of the other court.

SECTION 158. IC 33-5-45.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. There shall be one (1) judge of the Warrick superior court No. 1 and one (1) judge of the Warrick superior court No. 2 who shall ~~hold office for six (6) years; beginning on the first day of January after a judge's election; and until the judge's successor is elected and qualified:~~ **be selected under IC 33-4.2.**

SECTION 159. IC 33-5-45.8-2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one
 2 (1) judge, who shall be elected at the general election every six (6)
 3 years in Washington County. The judge's term begins January 1
 4 following the election and ends December 31 following the election of
 5 the judge's successor.

6 (b) To be eligible to hold office as judge of the court, a person must:

7 (1) be a resident of Washington County;

8 (2) be under seventy (70) years of age at the time of taking office;
 9 and

10 (3) be admitted to the practice of law in Indiana: **selected under**
 11 **IC 33-4.2.**

12 SECTION 160. IC 33-5-45.8-10 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the
 14 Washington circuit court may, with the consent of the judge of the
 15 court, sit as a judge of the court in any matter as if ~~an elected~~ a judge
 16 of the court. The judge of the court may, with consent of the judge of
 17 the circuit court, sit as a judge of the circuit court in any matter as if ~~an~~
 18 ~~elected~~ a judge of the circuit court.

19 SECTION 161. IC 33-5-46-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There hereby is
 21 created and established a superior court in and for the county of
 22 Wayne, Indiana, which shall consist of one (1) judge, who shall ~~hold~~
 23 ~~his office for six (6) years; beginning on the first day of January after~~
 24 ~~his election; and until his successor shall have been elected and~~
 25 ~~qualified; if he shall so long behave well. Such judge shall be elected~~
 26 ~~every six (6) years at the general election: be selected under~~
 27 **IC 33-4.2.**

28 SECTION 162. IC 33-5-47-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is hereby
 30 created a Superior Court No. 2 in and for the county of Wayne, Indiana,
 31 which court shall consist of one (1) judge, who shall ~~hold his office for~~
 32 ~~a term of six (6) years; beginning on the first day of January after his~~
 33 ~~election; and until his successor is elected and qualified. The judge of~~
 34 ~~the court shall be elected every six (6) years at the general election: be~~
 35 **selected under IC 33-4.2.**

36 SECTION 163. IC 33-5-48-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~(a)~~ The court has one
 38 (1) judge, who shall be elected at the general election every six (6)
 39 years in Wayne County. His term begins January 1 following his
 40 election and ends December 31 following the election of his successor:

41 (b) To be eligible to hold office as judge of the court, a person must:

42 (1) be a resident of Wayne County;



C
O
P
Y

1 (2) be under seventy (70) years of age at the time he takes office;
 2 (3) be admitted to the bar of Indiana; and
 3 (4) have practiced law at least five (5) years: **selected under**
 4 **IC 33-4.2.**

5 SECTION 164. IC 33-5-48-13 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The judges of the
 7 Wayne circuit court and Wayne superior courts No. 1 and No. 2 may,
 8 with the consent of the judge of the court, sit as judge of the court in
 9 any matter in the small claims and minor offenses division of the court,
 10 as if ~~he were an~~ **elected** a judge of the court.

11 SECTION 165. IC 33-5-48.5-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one
 13 (1) judge, who shall be ~~elected at the general election every six (6)~~
 14 ~~years in Wells County. The judge's term begins January 1 following the~~
 15 ~~election and ends December 31 following the election of the judge's~~
 16 ~~successor.~~

17 (b) To be eligible to hold office as judge of the court, a person must
 18 be:

19 (1) a resident of Wells County;
 20 (2) under seventy (70) years of age at the time of taking office;
 21 and
 22 (3) admitted to the practice of law in Indiana: **selected under**
 23 **IC 33-4.2.**

24 SECTION 166. IC 33-5-48.5-10 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the
 26 Wells circuit court may, with the consent of the judge of the court, sit
 27 as a judge of the court in any matter as if ~~an~~ **elected** a judge of the
 28 court. The judge of the court may, with consent of the judge of the
 29 circuit court, sit as a judge of the circuit court in any matter as if ~~an~~
 30 **elected** a judge of the circuit court.

31 SECTION 167. IC 33-5-49-2 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one
 33 (1) judge, who shall be ~~elected at the general election every six (6)~~
 34 ~~years in White County. His term begins January 1 following his~~
 35 ~~election and ends December 31 following the election of his successor.~~

36 (b) To be eligible to hold office as judge of the court, a person must:

37 (1) be a resident of White County;
 38 (2) be under seventy (70) years of age at the time he takes office;
 39 and
 40 (3) be admitted to the bar of Indiana: **selected under IC 33-4.2.**

41 SECTION 168. IC 33-5-49-10 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the



1 White circuit court may, with the consent of the judge of the court, sit
 2 as a judge of the court in any matter as if ~~he was an elected~~ a judge of
 3 the court. The judge of the court may, with consent of the judge of the
 4 circuit court, sit as a judge of the circuit court in any matter as if ~~he was~~
 5 ~~an elected~~ a judge of the circuit court.

6 SECTION 169. IC 33-5-50-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has one
 8 (1) judge, who shall be ~~elected at the general election every six (6)~~
 9 ~~years in Whitley County. His term begins January 1 following his~~
 10 ~~election and ends December 31 following the election of his successor.~~

11 (b) ~~To be eligible to hold office as judge of the court, a person must:~~

12 (1) ~~be a resident of Whitley County;~~

13 (2) ~~be under seventy (70) years of age at the time he takes office;~~

14 ~~and~~

15 (3) ~~be admitted to the bar of Indiana; selected under IC 33-4.2.~~

16 SECTION 170. IC 33-5-50-10 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The judge of the
 18 Whitley circuit court may, with the consent of the judge of the court, sit
 19 as a judge of the court in any matter as if ~~he was an elected~~ a judge of
 20 the court. The judge of the court may, with consent of the judge of the
 21 circuit court, sit as a judge of the circuit court in any matter as if ~~he was~~
 22 ~~an elected~~ a judge of the circuit court.

23 SECTION 171. IC 33-5.1-2-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is
 25 established a superior court in Marion County, Indiana. The court
 26 consists of:

27 (1) thirty-one (31) judges, until January 1, 2001; and

28 (2) thirty-two (32) judges, after December 31, 2000.

29 (b) ~~To be qualified to serve as a judge of the court, a person must~~
 30 ~~be; at the time a declaration of candidacy or a petition of nomination~~
 31 ~~under IC 3-8-6 is filed:~~

32 (1) ~~a resident of Marion County; and~~

33 (2) ~~an attorney who has been admitted to the bar of Indiana for at~~
 34 ~~least five (5) years.~~

35 (c) ~~During the term of office, a judge of the court must remain a~~
 36 ~~resident of Marion County.~~

37 SECTION 172. IC 33-5.1-2-8 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) Each judge of the
 39 court shall be ~~elected for a term of six (6) years; that shall commence~~
 40 ~~January 1 after the year of the judge's election and continue through~~
 41 ~~December 31 in the sixth year. The judge shall hold office for the six~~
 42 ~~(6) year term or until the judge's successor is elected and qualified. A~~



1 candidate for judge shall run at large for the office of judge of the court
 2 and not as a candidate for judge of a particular room or division of the
 3 court.

4 (b) At the primary election a political party may nominate
 5 candidates for judge of the court as follows:

6 (1) Beginning with the primary election held in 1996 and every
 7 six (6) years thereafter, a political party may nominate not more
 8 than eight (8) candidates for judge of the court.

9 (2) Beginning with the primary election held in 2000 and every
 10 six (6) years thereafter, a political party may nominate not more
 11 than nine (9) candidates for judge of the court.

12 The candidates shall be voted on at the general election. Other
 13 candidates may qualify under IC 3-8-6 to be voted on at the general
 14 election.

15 (c) The names of the party candidates nominated and properly
 16 certified to the Marion County election board, along with the names of
 17 other candidates who have qualified, shall be placed on the ballot at the
 18 general election in the form prescribed by IC 3-11-2. All persons
 19 eligible to vote at the general election may vote for candidates for judge
 20 of the court as follows:

21 (1) Beginning with the 1996 general election and every six (6)
 22 years thereafter, for fifteen (15) candidates for judge of the court.

23 (2) Beginning with the 2000 general election and every six (6)
 24 years thereafter, for seventeen (17) candidates for judge of the
 25 court.

26 (d) The candidates for judge of the court receiving the highest
 27 number of votes shall be elected to the vacancies. The names of the
 28 candidates elected as judges of the court shall be certified to the county
 29 election board as provided by law: **selected under IC 33-4.2.**

30 SECTION 173. IC 33-5.1-2-9 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) Not more than
 32 thirty (30) days after taking the oath of office, the judges shall meet and
 33 designate three (3) of the judges as the executive committee for
 34 administrative purposes. The executive committee shall be selected by
 35 a vote of two-thirds (2/3) of the judges sitting at the time the vote is
 36 taken. If all vacancies cannot be filled by a two-thirds (2/3) vote,
 37 vacancies may be filled by such other method as provided by court rule.
 38 The executive committee is responsible for the operation and conduct
 39 of the court. A member of the executive committee shall serve in the
 40 capacity provided by rules adopted by the court under section 6 of this
 41 chapter. A member of the executive committee serves for a term of two
 42 (2) years beginning on the date of the member's election. Any or all of



the members elected to the executive committee may be reelected. ~~Of the three (3) judges elected to the executive committee, not more than two (2) may be members of the same political party.~~

(b) One (1) of the three (3) judges elected to the executive committee shall be elected as presiding judge and two (2) of the three (3) judges elected to the executive committee shall be elected as associate presiding judges. Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform such other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.
- (2) Criminal.
- (3) Probate.
- (4) Juvenile.

(d) The work of each division shall be allocated by the rules of the court.

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 6 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.

SECTION 174. IC 33-5.1-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. The judge of the Marion circuit court, at the judge's discretion, may sit as a judge of the court, with the court's permission, in all matters pending before the court, without limitation and without any further order, in the same manner as a judge of the court with all the rights and powers of an elected a judge of the court.



SECTION 175. IC 33-5.1-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. (a) In addition to the magistrate appointed under section 26 of this chapter, the judges of the superior court may, by a vote of a majority of the judges, appoint four (4) full-time magistrates under IC 33-4-7.

~~(b) Not more than two (2) of the magistrates appointed under this section may be of the same political party.~~

~~(c)~~ (b) The magistrates continue in office until removed by the vote of a majority of the judges of the court.

~~(d)~~ (c) A party to a superior court proceeding that has been assigned to a magistrate appointed under this section may request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned. Upon a request made under this subsection by either party, the magistrate to whom the proceeding has been assigned shall transfer the proceeding back to the superior court judge.

SECTION 176. IC 33-8-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The court shall consist of one (1) judge, to be elected by the legal voters of said county for the term of six (6) years, beginning on the first day of January following his election; and until his successor shall be elected and qualified. The election shall be had at the time of the general election every six (6) years. Said judge shall be commissioned by the governor in the same manner as judges of the circuit court; and all vacancies occurring in the office of judge of such probate court shall be filled by appointment by the governor; in the same manner as vacancies in the office of judge of the circuit court. **selected under IC 33-4.2.**

SECTION 177. IC 33-10.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The number of county court judges required by IC 33-10.5-1 shall be elected under ~~IC 3-10-2-11~~ by the voters of each county or by the voters of two (2) counties if a judge is required to serve two (2) counties. The term of office of a county court judge is six (6) years, beginning on January 1 after election and continuing until a successor is elected and qualified. **selected under IC 33-4.2.**

(b) In any county for which IC 33-10.5-1 provides more than one (1) judge of the county court, the county election board shall assign a number to each division of the court. ~~After that, any candidate for judge of the county court must file a declaration of candidacy under IC 3-8-2 or petition of nomination under IC 3-8-6 for one (1) specified division of the court.~~ Each division of the court shall be listed separately on the election ballot in the form prescribed by ~~IC 3-10-1-19~~ and IC 3-11-2.



1 SECTION 178. IC 33-11.6-3-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Each judge of the
 3 small claims court shall be ~~elected at the general election in 1986 and~~
 4 ~~every four (4) years thereafter by the registered voters residing within~~
 5 ~~the township in which the division of the small claims court is located:~~
 6 **selected under IC 33-4.2.**

7 SECTION 179. IC 33-11.6-3-4 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The term of office of
 9 a judge of a small claims court is **for a term beginning before July 1,**
 10 **1999,** four (4) years, beginning January 1 after election and continuing
 11 until a successor is elected and qualified, **and, for a term beginning**
 12 **after June 30, 1999, the term specified under IC 33-4.2-8.**

13 SECTION 180. IC 33-11.6-3-8 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. ~~Other Employment:~~
 15 (a) **Notwithstanding IC 33-4.2-8-3,** a judge serving part-time may
 16 participate in other gainful employment so long as such employment
 17 does not interfere with the exercise of ~~his the judge's~~ judicial office or
 18 involve any conflict of interest in the carrying out of ~~his the judge's~~
 19 judicial duties.

20 (b) A judge **who is serving a term beginning before July 1, 1999,**
 21 **is serving full-time; who full time and** is an attorney may practice the
 22 profession of law only insofar as it does not conflict in any way with his
 23 official duties and in particular does not cause him to be unduly absent
 24 from his court or interfere with the ready and prompt disposal of his
 25 judicial duties. **A full-time judge serving a term beginning after**
 26 **June 30, 1999, is subject to IC 33-4.2-8-3.**

27 SECTION 181. IC 33-11.6-3-11 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. All judges shall be
 29 subject to disciplinary action for the grounds and in the manner set
 30 forth in IC 33-2.1-6. ~~The commission on judicial qualifications for~~
 31 ~~judges of the superior and probate courts is the commission on judicial~~
 32 ~~qualifications for the judges of the small claims courts.~~

33 SECTION 182. THE FOLLOWING ARE REPEALED
 34 [EFFECTIVE JULY 1, 1999]: IC 33-5-5.1-29.1; IC 33-5-5.1-29.3;
 35 IC 33-5-5.1-31.1; IC 33-5-5.1-32.1; IC 33-5-5.1-33.1; IC 33-5-5.1-34.1;
 36 IC 33-5-5.1-35.1; IC 33-5-5.1-36.1; IC 33-5-5.1-37.1; IC 33-5-5.1-38.1;
 37 IC 33-5-5.1-39.1; IC 33-5-5.1-40.1; IC 33-5-5.1-41.1; IC 33-5-5.1-42.1;
 38 IC 33-5-5.1-43.1; IC 33-5-29.5-28; IC 33-5-29.5-29; IC 33-5-29.5-30;
 39 IC 33-5-29.5-31; IC 33-5-29.5-32; IC 33-5-29.5-33; IC 33-5-29.5-34;
 40 IC 33-5-29.5-35; IC 33-5-29.5-36; IC 33-5-29.5-37; IC 33-5-29.5-38;
 41 IC 33-5-29.5-39; IC 33-5-29.5-40; IC 33-5-29.5-41; IC 33-5-29.5-42;
 42 IC 33-5-29.5-42.5; IC 33-5-29.5-43; IC 33-5-40-29; IC 33-5-40-33;



1 IC 33-5-40-34; IC 33-5-40-35; IC 33-5-40-36; IC 33-5-40-37;
 2 IC 33-5-40-38; IC 33-5-40-39; IC 33-5-40-40; IC 33-5-40-41;
 3 IC 33-5-40-42; IC 33-5-40-43; IC 33-5-40-44; IC 33-5-40-45;
 4 IC 33-5-40-46; IC 33-5-40-47; IC 33-5-43.2; IC 33-5-44.1-27;
 5 IC 33-5-45.5-11; IC 33-5-45.5-12; IC 33-5.1-2-25.

6 SECTION 183. [EFFECTIVE JULY 1, 1999] (a) **Notwithstanding**
 7 **any other law, IC 33-4.2, as added by this act, applies to vacancies**
 8 **occurring in a:**

- 9 (1) superior court;
- 10 (2) probate court;
- 11 (3) county court; or
- 12 (4) small claims court;

13 **after December 31, 1999.**

14 (b) **A person who is:**

- 15 (1) a judge of a superior, probate, county, or small claims
- 16 court on June 30, 1999; or
- 17 (2) appointed as a judge to serve the unexpired term of person
- 18 who is the judge of a superior, probate, county, or small
- 19 claims court on June 30, 1999;

20 **shall be treated as if the judge was appointed by the governor**
 21 **under IC 33-4.2, as added by this act. The judge may continue after**
 22 **June 30, 1999, to serve the unexpired part of the person's term of**
 23 **office. A judge described in this subsection may serve a successive**
 24 **term if retained in office in an election held under IC 33-4.2-9, as**
 25 **added by this act.**

C
O
P
Y

